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Vol II-July-December 1924





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# Introduction

India is now passing through an acute political crisis. Readers of the *Register* will find in its previous issues the circumstances that have

## Previous History

gradually helped to bring the country to its present state. India's present trouble may be summed up in a word—a deep National humiliation. On every side Indians are being insulted in their own homes. Her biggest men are not exempt. The Punjab Martial Law and the Khilafat outrage burnt deep into her heart. Yet she 'bled herself white' for England in the last great War. The enormity of the greed of Britishers have never been so nakedly apparent as since 1919. For centuries the country is being exploited to the utter destitution of the masses. The intellectuals, so long under the hypnotic influence of England, had their spell broken by Mr Lloyd George's Turkish policy and Sir Michael O'Dwyer's reign of terror in the Punjab. When the Reforms Act was passed in 1919 a few moderate Indians had still faith in Britain but the great majority refused to believe that it meant any good. There is nothing in an act or statute so useful as in the spirit in which it is worked. Past experience of broken pledges has made the name of England synonymous with treachery. The small body of Moderates who tried to work the reforms soon found itself in a lurch. Here again was a case of national humiliation. The biggest among these men had to retire in shame, the spirit of the reforms was broken, the Moderates were humiliated, and the whole country felt the insult. It has ever been a question of the capacity of the Indians. In fair field, the Indian knows that he can beat his European competitor hollow in every walk of life. But that is not to be, for a huge imperial system of army and police has kept the Indian branded as an inferior in his own home. The intellectuals have ever been taught from their school-days that they are unfit to lead their masses, they are unfit to represent their masses, they are unfit for everything except as subordinates to an alien system which thoroughly exploits the country. But Jhalhanwalla bagh and Lausanne at last broke the spell and the country ran headlong into Non-co operation.

Gandhi's programme of non co operation and non-violence was a programme of faith and hope of the masses in their highest mood. The intellectuals saw their own mistake. They now shed their western cast of mind. They suddenly felt how great must be the groan of the mute masses from the dead weight of that system under which they themselves break their heart from utter shame and humiliation. A mighty turmoil was raised and a religious political passion of "self-purification" swept over the country. But the programme itself required of the intellectuals a sacrifice and of the masses a self restraint which neither was able to sustain. But the system against which this huge upheaval was directed threw its whole weight against the movement and made short work with its great leaders. Gandhi, Das, Nehru, Lajpat Rai, and thirty thousands of the intellectuals were seized and thrown into prison. National humiliation could go no far. It looked more like an Englishman dragging a high Indian into the prison than the law taking its usual course. After Jhalhanwalla nothing more humiliated Indians than the way the non co operators were dealt with in 1921-22.

In thirty thousand Indian homes—the best and the most cultured—this humiliation rankled. Multiply that by the number of homes connected by ties of blood, ideal or sympathy, and you get a rough idea of the position of Britain in India. The movement no doubt broke down from sheer internal strain but the spirit remains undying. Now it is a question of easing the strain and crystallising the spirit.

The year 1924 opened with three new factors—of which two were quite unforeseen.

## India in 1924

These were the invasion by the Swarajists of the reformed Councils, the advent of the Labor party into the Government of England, and the third, a god-send, the release of Gandhi from prison. When Gandhi came out of prison in February 1924 he found that the non co operating lawyers had gone back to practice, the students to their schools and colleges, charka and khaddar had almost disappeared. The reason and the significance of this change was that with the subsidence of the great national wave the

intellectuals, half broken from the jails, had returned to power, but now without taking the masses with them. Unable to bear the strain of huge mass-movements they now made the nationalist movement the militant wing of the Congress and developed the programme of constitutional obstruction under the caption of the "Swarajya movement." Many old Moderates rallied to them, and along with the Independents, or men neither subscribing to the Liberal creed nor to the Congress, they successfully carried out their threat of making Government through Councils impossible. In March the reforms became virtually a dead letter in the Central Government of India and in Bengal and the Central Provinces. The reforms had already been broken in the spirit by the Europeans—officials and non officials—who have always been antagonistic to the Act passed by Parliament. There was nothing very brilliant in the achievement of the Swarajists, but the exposure of the hollowness of the reforms, of the treachery of the very men whom the King and Parliament had commanded to carry the Act in the letter and in the spirit, naturally made the bureaucracy white with rage. Men drunk with a surfeit of autocratic power over life and property, with the tradition of a superior race looking down upon Indians with scorn—such men could ill brook what they regarded as the insolence of the Indian Intelligentsia. That the latter were acting within the constitution and brought about deadlocks through the instrumentality of the reforms was nothing to them. Nothing could be done under the constitution to check the Swarajists. So a campaign was started by the bureaucracy of maligning their opponents and representing them as revolutionists in league with the Third International. From March onwards this campaign of misrepresentation was carried vigorously in India and England where the whole Tory party was soon rallied against what they called the Swarajist menace. Stories were invented of revolutionist plots, "Red Bengal" leaflets were manufactured by *agents provocateur*, and fathered upon the Swarajists.

Gandhi on his side however devoted himself to three objectives—the securing of Hindu Moslem unity, the removal of untouchability, and the spread of hand spinning. These measures have to do with the deeper aspect of independence for India and mean that Gandhi is devoting himself more to preparation for self government than to its immediate accomplishment. The idea is to restore the old autonomy and economic independence of the Indian village. If this should succeed the next move will be non-payment of taxes. But by the middle of the year violent eruption of communal feeling between Hindus and Moslems dashed all hopes of non violence. And further, on October 25 the bureaucracy suddenly hurled its bombshell against the Swarajists in the shape of a new repressive Ordinance. It was a confession of failure of the constitutional method that Government could now govern only with the help of violence. All basis of non violence now gone, the only alternative that now remained for Gandhi was to suspend non co operation altogether and stick only to khaddar. That became the last phase of the Gandhi movement by the end of the year.

When the Labor party came into the Government of Britain, the old Moderates hoped much from it, and the Swarajists too had looked

#### The Labor Govt

askance. But the Labor Premier Mr MacDonld sent his first message which smelt of broken pledges again. Alas for the words of British statesmen! This Mr MacDonald and the whole group of Labor leaders, like Messrs Wedgwood, Ben Spoor, Sidney Webb and others, have ever before been talking of India in a language which excelled even the worst Indian extremist. From the platform of the Labor party these very men had before given pledge after pledge to India guaranteeing self Government and denouncing the sort of Tsarism that is running in India. But while actually exercising the reigns of power, they turned traitor to India and passed a repressive ordinance in October which beats any enacted before by the most reactionary Tory Government.

Regarding this Ordinance this is what Sir Sankaran Nair says in an English paper—

"When the Partition of Bengal by Lord Curzon and the steps taken by Sir Bampfylde Fuller to suppress the protests against it threw Bengal into a ferment, the "agitators" of Bengal were prosecuted before the ordinary civil courts of the country. In the majority of cases the prosecutions failed, because in

the opinion of the High Court the case was supported by false witnesses, it was proved that the police were guilty of suppressing true evidence. It was proved that they manufactured evidence in various ways—for example, by placing bullets

in incriminating places, and by introducing bombs into the dwelling places of the accused. The High Court found also that certain District Magistrates lent their countenance to police pressure on witnesses, and that Sessions Judges in many cases convicted against the evidence. All this appears in the published reports of the cases which are available to anyone who desires details.

'The Indian Government availed themselves of the opportunity of the War to pass the Defence of India Act, which it is now sought to revive. Under this Act the Executive were empowered to intern any person in a particular locality, with the result that he might not be able to carry on his profession, his printing press might be confiscated, any restriction might be laid upon him—thus, for instance, he might be forbidden to make speeches or see any particular person. Under the same Act a man might be arrested and kept indefinitely in jail without being brought to trial. For those who were to be tried new courts were or could be constituted and new laws of evidence or procedure were prescribed.

'Under this law terrible harm was done. As many of the persons arrested were never brought before a court of law, it is impossible to say how many were innocent. Many went mad, one notorious instance was brought to the notice of the Legislative Council. Another well-known case was that of two Ghosh ladies bearing the same name as another person who was a police suspect, they were arrested, kept in jail, while one of them, I believe, was in a condition which required the most careful treatment, and were ultimately released. The Government expressed regret.

'During the war there was no great agitation, but when after the war it was sought to retain this power by passing the Rowlatt Act public indignation knew no bounds, and though the Government passed the Act, they dared not put it in force. One of the first actions of the Reformed Council was to repeal it.

'But the mischief was done. The Rowlatt Act, a repetition of the Defence of India Act, was responsible for an agitation unexampled in India. The Punjab, where it was first applied, rose in fury. Amritsar, Lahore, Jallianwala massacre, indiscriminate arrests, trials and convictions which recall the days of Jeffreys in England followed. This Act was one of the two causes of the Non-co-operation movement. India lost faith in England.

'It was under these conditions that the Reformed Councils met, there was hearty goodwill on the part of all within the Councils. The Non-co-operators stood outside. The Rowlatt Act was repealed. But a Conservative Secretary of State turned down the unanimous recommendations of the Council, concurred in by the Government of India, for the admission of Indians to the Army. The Viceroy, doubtless on the advice of the Finance Member, imposed a Salt Tax, a hateful tax, against the will of the Council.

'The new Reform Scheme was thus killed by the Secretary of State for India and the Viceroy. The Provincial Governors acted similarly against the spirit of the reforms. The Non-co-operation party were strengthened and recommenced their agitation for Home Rule. The Moderates, discouraged, stood aside.

'Then the Labour Party came into power. In India there were great hopes that something would be done. Very few expected Home Rule but the majority expected that some step forward would be taken by a Labour Government, irretraceable by any other party, and that this would in course of time lead to Home Rule. Events have belied these expectations. To us in London it was definitely clear within a few days of Labour's accession to office that the Party were not going to do anything. But no one expected they would go farther and revive a measure which has been responsible for a terrible conflagration and has destroyed England's moral supremacy and Englishmen's influence for good.

'This Act, as I have pointed out, would destroy freedom of speech of the Press and of the person. Trials would become a farce. Let the accused persons have a fair trial before the ordinary courts of law under the ordinary laws of evidence and procedure. The Government say that witnesses are terrorised so as to render justice unattainable under the existing law. But witnesses were terrorised by the police before the war so that the High Court was afterwards obliged to acquit the accused.

'In order that witnesses may not be terrorised an open trial is not allowed, neither the accused nor his counsel is allowed to see the witnesses, the accused is told by the judges of the charges against him, and he may be told the nature of

the evidence, without the disclosure of names or anything by which the accused could identify the witness before a magistrate may be admitted if the deponent "cannot be found or is incapable of giving evidence," so that if it should not suit the convenience of the police to produce the witnesses, even the judges cannot test their evidence. Such was the Act which has mainly led to the present situation, and it is a similar Act that is to be reintroduced.

The Labour Party had a great opportunity. They have not risen to the occasion. Yet they had ample warning. The future of India is gloomy. The Mahomedans are generally disloyal to England. It was on the instance of a Mahomedan leader that the Congress recently changed its creed and declared its goal for India to be one of a federation of Free States. The people of the Punjab, the main stay of the army, are antagonistic to British rule. Bengal is revolutionary. The Mahrattas, with the inherited instincts of a ruling race, are under admirable control and discipline, and very carefully conceal their great love for Britain.

It is under these conditions that the Labour Cabinet have allowed Lord Reading to throw this flaming torch on such inflammable material. I have been some years of opinion that it is only Indian brains and Indian hands that can keep India within the Commonwealth of English nations, and if the old system is allowed to continue India will have to be governed by Black-and-Tans till the final crash comes."

Through out November the Ordinance was the talk of the day. The methods of the Bastille now adopted by the Government roused universal

### The Nation's Rally

detestation all over India. Everyone saw through the game and even the worst enemies of the Swarajists saw in the words of the Viceroy nothing but a tissue of lies—*albeit* imperial, and legal, following as they did from an ex-Lord Chief Justice of England. Swarajists or no Swarajist, the Indian people have had too bitter an experience of Police terrorism and arbitrary exercise of executive power in the past to contemplate with equanimity the passage of "lawless laws."

Fullerism in Bengal, O'Dyenism in the Punjab, the Besant internment and Moplah suppression in Madras are matters which generations of Indians will not forget. So it was that even men who did not see eye to eye with the Swarajists, men like Mr Jinnah, Mr Sastri, Sir Tej Bahadur Sapru, Mr B. C. Pal, and others too numerous to mention, all voiced their protest against the new Reign of Terror. But it was Mahatma Gandhi who took the lead of them all. In the first week of November long consultations took place between the Mahatma and other leaders in Calcutta and on November 6th the famous Gandhi-Swarajist pact was issued. What was needed now was a submergence of all petty political differences and to face unitedly this new menace to India's liberty. Mr Mahomed Ali, the Congress President, next issued a manifesto convening a meeting at Bombay of all political parties to devise means to meet the recrudescence of repression in Bengal. Invitations were accordingly sent to all parties which evoked a ready response except, of course, from the Europeans, and the famous All-Parties Conference met at Bombay on November 21, 1924. The deliberations of this body are given in full on pages 184—196, and need not be here recounted. Suffice it to say that the Ordinance was unanimously condemned, and an earnest move was set afoot to bring together a political fusion of the sectional parties. The danger of having separate parties on distinct political lines was now apparent, as it made easy for the bureaucracy to take each by turn and then kill it with the least effort.

Early in December Lord Lytton took it upon himself to open a wordy warfare on behalf of the internments, and the Press, both Indian

### Lord Lytton's Guilty Conscience

and European, at once danced to the tune. The Europeans with one accord supporting Lord Lytton and keeping up the chorus of anathemas His Excellency chose to hurl at his innocent victims, the Indians too, equally with one voice, uttering vain protests against the gubernatorial effusions,—a plethora of invectives being crossed till it became a shame to read or talk about the controversy. What led Lord Lytton to loosen his tongue after such a long delay—whether it was a case of guilty conscience trying to smother the 'little inner voice', or whether it was another of those antics of statesmanship which afflicts his Lordship and have landed him times before into laughable conundrums—it is difficult to say. But certain it is that British imperial statesmanship is not led by any conscience, and the probability is that

in view of the new Ordinance coming before the Bengal Council on the 7th January next for popular sanction, His Excellency was preparing the ground for its reception, and by show of firmness and strong language was trying by the same stroke to inspire awe amongst those who have ever refused to accept his *ipse dixit* with anything but scorn, and to rally to himself those who out of a timid fear of popular opinion had so far been afraid to come out and give him the support he so much needed.

Some of the utterances of Lord Lytton are so senseless that they cast doubt on the sanity of the man. Thus speaking at the St Andrews Dinner he said, "I came to India in the hope that I might render some small service to the land of my birth. I did not know when I came that it would be my lot to give it the most precious gift which any country can possess, namely freedom for its citizens, living within the law, to speak and act in conformity with their conscience. I did not know that during my term of office Bengal would be deprived of this freedom and that it would be my privilege to restore it."

How brazen-faced to say that Bengalees were depriving Bengal of liberty and he was restoring it!!! Then in answer to the criticism that no weapons were found during the raids, he assures his audience that "the police were mainly occupied with the capture of the members of the conspiracy," and that "was it likely that after the prominence that had been given to the seriousness of the movement, any stock of incriminating material would be kept in the premises?" The police captures men but neglects or forgets the instruments of their crime, and the culprits move away their arms but not themselves! In laying down the conditions on the fulfilment of which he was ready to consider favourably the case of the detainees (see p 184) he literally blackmailed the members of the Bengal Council. If the Council passes the Ordinance bill, only then he would consider the release of the detainees! This was political blackmail, undue influence, and coercion all rolled into one, and Lord Lytton posed himself as a constitutional Governor "come to give freedom to the land of his birth!" And then, the man in the Governor had yet to show himself. Referring to the question of placing his evidence before a few impartial men he said —

"The belief that there were men in India, or in any country in the world, who in a matter of acute political controversy were free from any political bias, whose impartiality was unquestioned by any one and whose verdict would be accepted by all, was unfortunately the dream of a visionary and entirely at variance with the realities of life." This dictum of his bespeaks his utter disbelief in that divine dispensation by which all climes and countries have been blessed with men who keep themselves above party strife and serve as beacon lights of rectitude to humanity.

Before his Lordship could descend further down in his slippery path, however, the Viceroy soon came to Lord Lytton's help and for the first time since that fateful October 25 spoke at the European Association justifying the Ordinance (p 373). It was now about the middle of December, and as usual in every year, the Europeans of Bombay and Calcutta held their annual meetings. An account of these will be found on pages 364—378.

Two notable incidents in connection with the Viceroy's visit at this time to Bombay and Calcutta deserve mention. His Excellency reached Bombay on December 2 and in connection with his reception the President of the Bombay Corporation was invited to attend Govt functions. The loyalist members of the Corporation passed a majority motion asking their Mayor to attend the functions but Mr Patel declined on personal grounds and resigned his presidentship of the Corporation. This created quite a furore in Bombay but the members of the Corporation had the good sense to re-elect Mr Patel as their President. Encouraged by the defeat of the nationalists of the Bombay Corporation, a similar motion asking the Mayor to attend Viceregal functions in Calcutta was pressed by Mr Wilson at the Calcutta Corporation on Dec 3rd. After an animated debate, however, the house by 41 to 16 votes carried an amendment asking the Mayor in the name of the people of Calcutta not to attend the Viceregal receptions, and Mr C R Das, of course, gladly acceded, for he was certainly not the person to lick the hand that strikes him. These two incidents showed the difference of nationalist feeling in Bombay and Calcutta, while the European press raised a dolorous cry that their King's representative was being insulted!



In the last week of December the usual annual meetings of the political parties were held, the Indian National Congress and its associate Conferences at Belgaum, the Liberal Federation at Lucknow, the Muslim League at Bombay. An attempt was made to have

### National Congress & Conferences

all parties meet at Belgaum, either in the Congress or outside, but it failed because the Liberals and the Muslim Leaguers had yet a good deal of suspicion and distrust of the Congress and Congressmen, all sympathetic talk to unity notwithstanding. Only Mrs. Besant and some of her followers boldly joined the Congress, but this was with a view to enlisting wider support for Mrs. Besant's National Convention programme. The non Brahmins too made a response and held for the first time an "all-India" Conference at Belgaum, but here too there was lack of unanimity amongst the diverse non Brahman parties of southern India. The National Congress was presided over by Mahatma Gandhi. It had no very great object to achieve except to secure unity within the Congress itself. The larger unity between all other parties had been relegated to the committee of the Bombay "Unity Conference". The question of Hindu Moslem unity had been handed over to another committee of the Delhi "Unity Conference". And so the immediate task before the Belgaum Congress was to sanction the Gandhi Swarajist protocol signed on November 6th at Calcutta, and the "Spinning franchise". Both were passed by the Congress by an overwhelming majority, and the interminable squabble between No-Changeis and Swarajists raging since Gaya in December 1922 was now definitely laid at rest. It was a great victory for the Swarajists for now they became not only the accredited representatives of the Congress in the Councils but also the dominant section in the Congress itself. It was however the "Spinning franchise", which the Liberals termed as grotesque and impractical, that kept them away from the Congress. The Liberals at Lucknow devoted considerable time in their subjects committee for the examination of the question of their rejoining the Congress, but they found that so long as non co operation or obstruction pure and simple dominated the Congress, and the creed and the franchise remained as it was, it was impossible for Liberals to join the Congress. Some of the high-minded liberals, such as Mr Chintamani and Mrs Besant, were willing enough to join, but a great many still remembered with rancour the insults they bore from the non co operators of old who booted and hissed them in public and called them names, such as traitors, place-hunters and toadies, when the liberals, true to their principles, had tried to work the reforms for all that they were worth.

The Muslim League, revived only in May 1924 after a total suspension of four years, held its next session at Bombay under the

### The Muslim League presidency of Mr Raza Ali. It was the Khilafat movement that had killed it, and its reappearance coincided

with the stressing of communal demands on the part of the Moslems during the year, and in this the Leaguers were not opposed as before by the Khilafatists. Indeed a proposal was mooted that the League would look after Moslem interest at home and the Khilafat organisation, or what remains of it, would look after Moslem interest abroad. As a matter of fact there was a tacit understanding between the League at Bombay and the Khilafat Conference at Belgaum, for with only one exception the latter concerned itself with Moslem position outside India, the one exception being the resolution on boycott of foreign cloth which was thought indispensable for the attainment of swaraj. The main question to which both bodies gave great prominence was communal representation. It remains a standing puzzle in Indian politics that, barring those who act as willing pawns in the hands of the bureaucracy, even the most go-ahead Moslem nationalists, men unequalled in their intellectual embellishment, cannot but swear by communal representation. The League president spoke long on it, and even the Khilafat president, Dr Kitchlew, did the same. The Moslem is unanimous in undoing the Lucknow pact, and to have more extensive share in services and public bodies simply on a population basis. To this all non Moslems in India are strongly opposed, not on selfish or interested grounds but because the proposition itself is so outrageously anti-nationalistic that it is feared that it will readily yield in the hands of an interested third party as an instrument of destruction of Indian nationalism. So it has proved in the past, and so it is bound to prove in the near future, breeding discord, disharmony and distrust where none exists at present.

The other minor issues raised in these annual Conferences need no mention in this rapid survey, they are fully given in the last section of this volume. A detailed Chronicle of Events of the last six months of the year is given in the following pages.

# Chronicle of Events.

## July 1924

- 1 July '24 Defamation case by Mr Painter against the *Bombay Chronicle* opened in the Bombay High Court This was an example of the new method employed by officials to threaten the freedom of the press
- 3 July '24 Bengal Ministers' Affair Mr J M Sen Gupta made an application at the Calcutta High Court against the President, Bengal Council, to disallow the motion on the agenda of forthcoming Council meeting for the supplementary demand of Bengal Ministers' salaries
- 4 July '24 Poona Municipality in defiance of Govt order decided to erect the late Mr Tilak's statue in the municipal market  
At the Cal H Court another suit was filed against the President and the Ministers for an injunction restraining the President from putting before the Council the motion on Ministers' salaries (p 206)  
Lord Hardinge, H H the Maharaja of Bikaner and Sir Muhammad Rafique nominated Indian Delegates to the League of Nations
- 7 July '24 Bengal Ministers' case Calcutta High Court granted injunction against President, Bengal Council (p 208) Governor of Bengal then declared that the Legislative Council shall stand prorogued
- 11 July '24 Bengal Council Affair In connection with the injunction, the Crown now filed an appeal before the Chief Justice
- 13 July '24 S G P C Amritsar, stopped sending daily Jathas of 25 to Jaito (which they had been sending for the last one year) from this day
- 14 July '24 Communal fracas at Nagpur, Delhi and other places on Bakrid day
- 14 July '24 Hon Chaudhuri Lal Chand, Minister of Punjab, unseated for procuring votes by false personation
- 15 July '24 Communal fracas in Delhi Fighting recommenced in Delhi between Hindus and Muslims in spite of Police precautions, in Nagpur also the after math of *Bakrid* went on from bad to worse day by day
- 17 July '24 The Indian Colonies Committee having concluded their work had a farewell interview with Lord Olivier at the India Office
- 19 July '24 Rumour of Mr C R Das visiting England was raised by Col Howard Bury in the Commons, replying to which Prof Richards said that he had no information
- 21 July '24 In the House of Lords Viscount Peel drew attention to the affairs of India, and dwelt on the Lee Report an important debate then followed which was not concluded in this day but was taken up again on the 31st (p 283 & 313).  
*A Gazette of India Extraordinary* announced that an amendment had been made to the Indian Legislative Rules with sanction of the Secretary of State for India permitting a rejected grant to be brought up as a supplementary demand (p 215)  
Bombay Legislative Council Autumn Session opened by the Governor  
Indian Mercantile Marine Committee's Report issued (p 33)
- 22 July '24 Bengal Council affair Appeals and counter appeals in the High Court all quashed in consequence of the new legislative rules.
- 27 July '24 Replying to Sir Charles Yate the Premier said in the Commons that the Government could not find time for the former's motion to revoke the censure on General Dyer (p 311) Sir Charles Yate pressed the Govt to suspend all the Councils in India and scrap the reforms
- 28 July '24 Bombay Council Mr Nariman's motion for an adjournment of the House to consider the new legislative rules regarding supplementary grants was defeated by 43 votes to 51 (p 237)  
A new Political Party called the Punjab National Unionist Party formed in the Punjab Legislative Council The creed of the party was to work out the Reforms Scheme

30 July '24 Bombay Legislative Council Mr Jog's resolution recommending the release of Mr Devaker of Dharwar was carried in an amended form Calcutta Corporation decided by 39 votes against 18 not to pay the European officers salary while on duty at the Auxiliary Force training camp.

31 July '24 Bombay Legislative Council Mr Saptarshi urged the Government for a declaration of total prohibition of the drink traffic.

**Debate in the Lords on India finally concluded (p 317).**

Viscount Chelmsford announced that the Government had left it to the full discretion of the Government of India to enforce law and would support it in action if necessary for quelling the revolutionary movement

## August 1924

1 Aug. '24 In Britain A joint Labor deputation representing the Trade Union Congress and the National Labor Party waited on Lord Olivier that everything should be done to honour the pledges given to India

M Gandhi arrived at Delhi to settle Hindu Moslem tension

Bombay Legislative Council Re Mr Saptarshi's motion for total prohibition of liquor traffic Mr Surve's amendment fixing 20 years as the time limit of total prohibition was carried (p 239)

Assam Council carried a resolution to postpone consideration of the Lee recommendations until the question of constitutional change was finally disposed of (p 232c)

2 Aug '24 First meeting of the Gujerat Shiksha Parishad at Ahmedabad under M Gandhi who delivered an address on the future of national schools Resolutions were passed fully endorsing M Gandhi's principles of non co operation, non violence, spinning etc, etc

4 Aug '24 Reforms Enquiry Committee began its sittings at Simla to settle preliminaries (p 4)

Hon Sir A P Patro at Guntur made a long and important pronouncement on the Reforms, criticising its defects and denouncing the autocracy of the reserved half and the failure of dyarchy

7 Aug. '24 The Kenya Question Mr Thomas made an important statement in the Commons on this (see p 321)

Reforms Enquiry Committee Mr. Chitnavis, the first public witness, was examined (p 40i)

8 Aug '24 Reforms Enquiry Committee Mr N K Kelkar was examined at great length on this and the following day (p 40ii)

12 Aug. '24 The Working Committee of the All-India Congress Committee appointed Messrs Gandhi, Muhammad Ali, Malaviya, Bhagvandas and Kitchlew to take up the question of Hindu Muslim Unity to the exclusion of all other problems

Mr Hasrat Mohani released from gao'

13 Aug '24 Reforms Enquiry Messrs Gokaran Nath Misra and Hridaynath Kunzru were examined on behalf of the U P Liberal Association (p 41)

16 Aug '24 General Council of the All India Swarajya Party met at Calcutta The All India Swarajya Party Conference opened in Calcutta on this day (p 133)

18 Aug '24 Reforms Enquiry Committee Mr C Y. Chintamani submitted lengthy memorandum and gave very important evidence against Dyarchy (p 46)

Madras Council opened by Governor (p 274)

Akalis Jatha The tenth Shahidi Jatha of 500 Akalis which reached Jaito on the evening of the 18th and another batch of 500 which reached Bhai Pheru a day before that, peacefully arrested

- 18 Aug. '24 Bengal Legislature Motion and interpellations by Bengal Councillors regarding Lord Lytton's insult to Indian women disallowed by the President of the Council
- 19 Aug. '24 Bombay University Convocation opened by H E Governor of Bombay  
*Anent* Lord Lytton's insult to Indian Womanhood overflow meetings held in Calcutta with Mrs Sarojini Naidu as president, resolutions and indignant speeches were made denouncing Lord Lytton
- 21 Aug. '24 Madras University Convocation opened.
- 22 Aug. '24 Taikeswar Affair Satyagraha movement at Tarkeswar culminated in a serious riot necessitating the Police to open fire
- 23 Aug. '24 Tagore—Lytton Correspondence on Lord Lytton's indiscretion *re* his insulting language on Indian Women published  
Madras Council carried a motion that the Lee proposals should not be given effect to in that province (p 276)
- 25 Aug. '24 The Reforms Enquiry Mr Jamnadas Dwarakadas gave evidence on behalf of the National Home Rule League (p 561)
- 26 Aug. '24 Mrs Deep Narain Singh gave evidence claiming the right of Women to admission into Councils (p 561).  
Ahmedabad Municipality presented an address to M Gandhi  
Bengal Legislative Council By a majority of two votes the demand for Ministers' salaries was again refused by 68 to 66 votes (p 227)  
Lord Olivier's despatch to the Govt of India on the infamous McCardie judgment published (p 23)
- 27 Aug. '24 Reforms Enquiry Rao Bahadur Chitale was examined on behalf of the Bombay Presidency Association  
Bengal Legislative Council prorogued after another Government defeat (p 232)  
Behar Council passed a resolution against giving effect to recommendations of the Lee Commission (p 247)  
Bombay Municipal Corporation presented an address to M Gandhi.  
National Council of the Independent Labor Party in England passed a resolution urging that a conference of representatives of the various parties in India should be summoned to prepare a scheme of Indian Self-Government to be discussed with British Government with a view to its immediate application
- 28 Aug. '24 Reforms Committee—Sir Frederick Gauntlett gave evidence (p 561)  
In the Burma Council Nationalist motion demanding autonomy for Burma and provincialising of Services was carried by a large majority including the Ministers
- 30 Aug. '24 Reforms Enquiry Committee examined Mr N M Joshi and Mr Dalvi on behalf of the Bombay Presidency Association (p 64) and then adjourned for a month and a half

## September 1924

- 3 Sep '24 Council of State and Legislative Assembly opened (p 65)  
Government of India circulated for eliciting public opinion and the opinions of local Governments, district Bills on the registration of trade unions and the settlement of trade disputes  
S G P C, Amritsar, issued communique explaining the reasons for the failure of the Bidwood negotiations (p 198)
- 5 Sep '24 An "Independent Party" formed in the Assembly with Mr Jinnah as president
- 8 Sep '24 U P. Legislative Council Rai Bahadur Sitaram's motion that the Lee recommendations should not be given effect to was passed (p 263)

- 9 Sep '24 Council of State Sardar Jogendra Singh's resolution on the Sikh question was discussed and withdrawn (p 119)
- 10 Sep '24 **Debate on the Lee Report in the Assembly** After Sir Alexander Muddiman's motion on the Lee proposals Pandit Motilal Nehru moved his amendment on behalf of the Nationalist Party (p. 72)  
At the Trade Union Congress, England, Mr Purcell referred to industrial conditions in India as an unspeakable horror, and observed that political changes should be conditional upon certain necessary and overdue industrial conditions being put into operation simultaneously
- 11 Sep. '24 Legislative Assembly Debate on the Lee Report continued, Sir B N Sarma moved an addendum with regard to the Medical Services Sir P S Sivaswami Aiyar urged the stoppage of British recruitment (p 80)  
Council of State Sir M Dadabhoi's resolution regarding an annual provision for the redemption or avoidance of public debt was carried in an amended form (p 122)  
Cotton Excise Duty A representative public meeting in Bombay under the auspices of the Mill owners Association passed a resolution urging the Governor General-in Council to take early steps to abolish the Cotton Excise Duty
- 12 Sep '24 Legislative Assembly carried Pandit Motilal Nehru's amendment on the Lee Report by 68 votes to 46 (p 88)  
Free Hindu Moslem fight began in the streets of Lucknow (p 29)
- 14 Sep '24 Shahidi Jatha from America arrived in Calcutta and left for Amritsar next day.
- 15 Sep '24 Council of State Govt resolution for adoption of Lee proposals discussed and passed on the next day (p 125)
- 16 Sep '24 Assembly Dr Gour's motion for repeal of Part II of Cr Law Amend Act carried against Govt (p 91)
- 17 Sep '24 Assam Council opened by H E the Governor (p 232)  
Assembly Debate on Separation of Railway Finance (p 98)
- 18 Sep '24 Mahatma Gandhi began his 21 day's fast as a penance for Hindu Moslem quarrels and issued an appeal for unity (p 147)  
Assembly Debate on Taxation Enquiry Committee (p 104)
- 19 Sep '24 Govt of India announced appointment of a Coal Commission and its terms of reference
- 20 Sep '24 Assembly adopted amended resolution on Separation of Railway Finance (p 102) Supplementary grants voted without opposition
- 22 Sep '24 Council of State passed Sirdar Jogendra Singh's resolution for the appointment of Indians on the Railway Board (p 131)  
Assembly passed Mr Jinnah's amendment on Taxation Enquiry after defeating Govt (p 109).
- 23 Sep '24 Council of State prorogued after official business (p 132)  
Assembly passed, defeating Govt, final reading of Dr Gour's Bill to repeal the Crim Law Amend. Act Part II (p 110)  
Assam Council passed the elected President's Salary Bill at Rs 500/  
**Tarakeshwar Satyagraha came to an end**, the Mohunt abdicated and a settlement reached between Mr Das and the Mohunt regarding the management of the temple and shrines
- 24 Sep. '24 Assembly passed against Government a motion to repeal the Cotton Excise duties (p 114) Assembly then prorogued
- 25 Sep '24 Announcement made that Sir Dadiba Dalal, Indian High Commissioner in London, had resigned owing to strong differences with the India office officials who wanted to hoodwink him in foisting certain costs at Wembley on India and in the matter of the purchase of stores

1924]

## CHRONICLE OF EVENTS

17

- 26 Sept. '24 "Unity Conference" opened at Delhi attended by 300 All India delegates including the Metropolitan of India (p 149)
- 30 Sep '24 Provincial Sikh Sudhar Committee held its first general meeting at Amritsar and proposed to send a loyal Jatha to Jaito to complete the Akhand path (p 200)

## October 1924

- 1 Oct '24 "Unity Conference," Delhi, in open session passed resolutions adopted by the subjects committee (p 155)—concluded on the next day
- 6 Oct '24 Annual General Meeting of the Anglo Indian and Domiciled European Association at Calcutta, a resolution was passed saying that "India was our motherland" and sought co operation with Indians (p 364).
- 8 Oct. '24 **M Gandhi broke his fast, the ceremony was conducted in a solemn and impressive manner after Hindu, Muslim and Christian prayers (p 160)**
- 9 Oct '24 Indian Railway Conference opened in Simla by H E the Viceroy who reviewed the work done by the Railways hitherto in uniting India and conducing to the economic prosperity and the development of trade and industry in the country
- 10 Oct '24 Madras Council opened for October session mainly for the passage of the Irrigation bill (p 277)
- 11 Oct '24 Seventh Non Brahman Confederation opened at Madras under Dewan Bahadur M Krishnan Nair as President, a section of independent non-Brahmins, not belonging to the Ministerial party, under Sir K V Reddy boycotted the meeting showing a split in the camp
- Second session of the Berar Liberal Conference opened Sir M V Joshi who presided, referring to the question of the restoration of the Berars to the Nizam, pointed out that the people wanted Swaraj of a democratic kind and not a one-man rule
- 12 Oct '24 At Saidapet (Madras Presy) Moslem pilgrims broke out into a riot and indulged in wanton attack on Hindus
- 13 Oct '24 The Bombay Council October session opened, second reading of the Children's Protection Bill passed (p 239)
- 15 Oct '24 Mr Baldwin, during his elctioneering campaign in the Queen's Hall, London, referred to India in a fiery and threatening speech (p 287)
- 16 Oct '24 Reforms Enquiry Comm reassembled and examined Sir P C Mitter (p 57)
- 17 Oct '24 Sir Purshottamdas Thakurdas, representative of the Indian Merchants, Bombay, gave evidence before the Reforms Committee (p 58)
- 18 Oct '24 Mr Fazl ul Huq, in his evidence before the Reforms Committee, said he would rather go back to the pre reform days
- Andhra political and other conferences opened on this and the following days.
- 20 Oct '24 Bombay Council finally passed the Children's Protection Bill
- Jatha of the Sikh Sudhar Sangat completed the Akhand Path at Gurdwara Gangasar (p 201)
- 21 Oct '24 Giving evidence before the Reforms Committee, Sir Chimanlal Setalvad exposed the working of Diarchy in Bombay (p 60).
- 23 Oct '24 Before the Reforms Committee, Sir Abdur Rahim opposed further advance and was against transferring more subjects (p. 62)
- 25 Oct. '24 **Repression in Bengal started by sensational raids, house-searches, arrests without warrant in Calcutta and many mofussil districts Messrs. Subhas Bose, Anil Roy, and 50 other Congress Secretaries and office-bearers arrested (p 160b)**
- Ordinance I of 1924 promulgated Great commotion created all over India over these indiscriminate arrests (p 162)

- 28 Oct. '24 Viceroy refused M Gandhi permission to visit Kohat to restore neighbourly relations between the Hindus and Muhammadans (p 31).
- 29 Oct '24 Terrorism in Bengal, Calcutta Corporation adopted resolution declaring complete confidence in Mr Subhash Chandra Bose, and recording its emphatic condemnation of the action of the Government (p. 174)
- 31 Oct '24 Indian Association wired to Viceroy protesting against the Ordinance, a largely attended meeting was held in the Town Hall in Calcutta under Sir Nilratan Sircar to protest against the new Ordinance (p 177)

## November 1924

- 1 Nov '24 Public meetings held in all big towns of Bengal and the Punjab passed resolutions protesting against the new repressive policy of the Government Hartal was observed in Calcutta  
U P Political Conference held in Gorakhpur with Mr Tandon as President condemned repression and made a bid for independence
- 3 Nov '24 Karachi Municipality rejected proposal to present an address of welcome to the Governor of Bombay
- 4 Nov '24 Mr MacDonald resigned and Mr Baldwin became Tory Premier  
M Gandhi's conference with the members of the All India Swaraj Party held on this and following days (p 184i) in Calcutta
- 6 Nov '24 The Gandhi Swarajist Pact issued from Calcutta (p 184i)
- 10 Nov '27 Punjab Council opened with an important speech by the Governor  
Premier Mr Baldwin laid down his Indian policy in a speech at a London Guildhall Banquet (p 287)
- 13 Nov '24 In a note in '*Young India*' M Gandhi approved of the Gaya resolution repudiating India's public debts incurred by the Govt after 31-12 22
- 16 Nov '24 Members of the Nationalist and Swarajya Parties held joint meeting in Calcutta and decided that they should oppose at every stage the passage of the Bengal Ordinance bill in the Council
- 17 Nov. '24 Lord Reading opened the annual session of the Chamber of Princes  
Conference of the Finance Members of Provincial Governments met at the Imperial Secretariat under the presidency of Sir Basil Blackett to discuss taxation proposals
- 20 Nov '24 Council of the National Liberal Federation held in Bombay passed resolution condemning the Ordinance (p 184m)
- 21 Nov. '24 All Parties Conference opened at Bombay M. Gandhi moved a resolution that a Committee should be appointed by the Conference to consider the best way of re-uniting all political parties in the Congress (p 185).
- 22 Nov. '24 All Parties Conference condemned Bengal Ordinance (p 189)
- 23 Nov. '24 All-India Congress Committee at Bombay passed resolution moved by M Gandhi approving of the Calcutta Pact (p 195)
- 24 Nov. '24 Reforms Enquiry Committee reassembled under the presidency of Sir Alexander Muddiman to discuss the draft report  
Lord Lytton at Malda made his first public pronouncement in support of his policy of repression (p 181).
- 25 Nov. '24 Punjab Government authorised Mr. Emerson and Mr Puckle to meet Sikh members of the Council to draw up a Gurdwara Bill. (p 203).
- 26 Nov. '24 Government of India published a resolution relating to the Tata Steel Company's claim for further protection (p. 38)
- 28 Nov. '24 *Gazette of India* published a new rule to be added to Rule 10 of the Legislative Council Rules of every Province, providing for certification of a Bill by a Governor. (p 22).

- 28 Nov. '24 Lord Lytton made further references to the Bengal situation at the St Andrews dinner (p 181)  
 Sir Chimanlal Setalvad communicated to the Press a long reply to the statement presented by Sir Maurice Hayward to the Reforms Enquiry Committee rebating Sir Chimanlal's charges

## December 1924

- 1 Dec '24 Bombay Corporation by 50 to 47 votes asked their President, Mr V J Patel, to join state functions in connection with the forthcoming Viceroy's visit. Mr Patel subsequently resigned in protest.  
 Mr C R Das gave up his whole estate including his house and all worth Rs 8 lakhs to charitable trusts for the poor
- 3 Dec '24 Calcutta Corporation refused permission to the Mayor, Mr C R Das, to attend the state functions in connection with the Viceroy's forthcoming visit to Calcutta
- 5 Dec '24 Lee proposals accepted by Govt so far as it related to Chapters 6, 7 and 8 of the Lee report, relating to pay and pensions, and also Chapter 5, bearing on Indianisation (p 21)
- 7 Dec '24 Speaking at the Punjab Political Conference at Lahore M. Gandhi said that he was deeply thinking of a new plan by means of which they would be called upon either to attain Swaraj or lay down their lives  
 Mr Das's 'Swaraj Week' in Calcutta started for propaganda and funds.
- 8 Dec '24 Government of India resolution on the Kohat riots issued (p 27)
- 9 Dec '24 New Parliament opened, the King's Speech had no mention of India  
 Punjab Khilafat Conference passed resolutions condemning British action in Egypt, and urged M. Gandhi to persuade Hindus to accept communal representation on a proportionate basis in the Councils, Local Bodies and Services.
- 10 Dec '24 Speaking at the European Association the Viceroy referred to the Bengal Ordinance, and said that it was not directed against the Swarajists (p 373).  
 Some 80 members of the Sikh Sudhar committee waited upon Governor of Punjab on the question of the Gurdwara bill (202)
- 15 Dec '24 Associated Chambers of Commerce in Calcutta opened by His Excellency the Viceroy (p. 379) for their session  
 Another Shahidi Jatha of 500 Akalis left Amritsar for Jaito  
 Replying to Mr Thurtle in the Commons, Earl Winterton said that Mr S C. Bose was a State prisoner and there was no intention of trying him, there was no limit under Regulation III of 1818 to the time a man might be detained without trial.
- 16 Dec '24 Communique issued explaining the statutory rules made by the Secretary of State in regard to the Lee recommendations on overseas pay  
 Sir Arthur Froom, at the Bombay European Association emphasised the need for Europeans working side by side with Indians (p 368).
- 17 Dec. '24 British Committee on Indian Affairs, London, adopted a resolution urging the immediate withdrawal of the Bengal Ordinance and the trial of the persons detained, if necessary, in accordance with the ordinary law
- 19 Dec. '24 Mr John Scurr moved the adjournment of the Commons to draw attention to the Bengal Ordinance, and said that the Government's action would encourage both assassination and terrorism
- 22 Dec. '24 Chief Commissioner of the North-West Frontier Province issued a communique setting out the facts in regard to the negotiations for a settlement between the Hindus and Muhammadans of Kohat (p 31)



- 26 Dec. '24 The thirtieth Session of the Indian National Congress opened in Belgaum, M. Gandhi read his Presidential Address, Mr C R. Das then moved the resolution endorsing the Gandhi-Swarajist Pact which was put to vote and carried (400).  
The All-India Liberal Federation began its session at Lucknow.  
The text of the new Bengal Criminal Law Amendment Bill to be moved in the Bengal Legislative Council on the 7th January published
- 27 Dec '24 Sir Sankaran Nair presided over the All-India Social Conference in Belgaum (p 516).
- 28 Dec '24 The All-India Congress Committee held discussion on several important resolutions, the first among which was a motion on the death of M Lenin (p 487)  
All-India Non-Brahman Conference opened at Belgaum (p 499)
- 29 Dec. '24 The All India Conference of Indian Christians passed resolutions welcoming the Unity Conference at Delhi, and responded to Pandit Motilal Nehru's invitation to participate in the All-Parties Conference  
36th session of the National Social Conference was held in Lucknow when, for the first time, an animated discussion was raised on the question of divorce among Hindus!
- 30 Dec '24 All India Muslim League opened its sixteenth annual session in Bombay (p. 472)  
The Indian States Conference held in Belgaum passed a resolution appealing to Indian Princes and Chiefs to establish in their territories popular representative institutions with a view to the inauguration of Responsible Government (p 494)

It now remains to mention how the foreign Govt. has helped itself to more money and power at India's expense. With the advent of the Conservative Govt in Whitehall a shadow of impotence and despair has overspread the political horizon. So long as Labour was in office great hesitancy marked the action of the Govt in regard to the outrageous proposals of the Lee Commission. But when the Tories, who had engineered the Lee Commission and thrust it not only upon an unwilling people but also against the protests of the Govt of India, came back to power in November 1924 they at once proceeded to deprive the legislature of even the little existing power to vote on the allowances of the Services. The 'Imperial Services' have ever been the scourge of India. They sit not only vampire-like over the vitals of the country sapping all its life blood, but they are the people who have time after time destroyed or nullified the little good things that Britain promised to India. From the Queen's Proclamation down to the Reforms Act, every promise, every pledge, that the King and Parliament of Britain made to India has been circumvented and broken in spirit by these men. It was to transfer power partly from their hands that the Reforms Act was passed. But their conspiracy from the very beginning to break the very spirit of the reforms has now thoroughly succeeded. On December 5 a communique was issued, as given below, which secured to the alien bureaucrat everything and even more than he wanted. The "Civil Servants" are now looking forward to effect being given to another reactionary report of the Reforms Enquiry Committee to tighten their grip on India wherever it is loose. The work of going back on the reforms, begun in 1923 by the appointment of the Lee Commission, is now going apace, and the Reforms Committee, appointed under a Labor Govt to find means to expand the scope of the reforms, will under the new Govt assuredly recommend for a greater grip of the Services over the machinery of Government.

The communique of December 5 says —

"His Majesty's Government, in general agreement with the Government of India, have accepted the substance of the recommendations contained in Chapters 6, 7 and 8 of the Report of the Royal Commission on the Public Services for the improvement of pay and pensions and the grant of free passages to the Superior Civil Services. To these recommendations effect will be given from the 1st April, 1924, as recommended by the Commission.

"In two important respects they have decided to depart from the proposals made in these chapters of the report. The Commission proposed that enhanced pensions should be granted to holders of certain high appointments. This proposal His Majesty's Government, in agreement with the Government of India, have found themselves unable to accept. Secondly, there arose a division of opinion in the Commission as to whether the proposed privilege of remitting overseas pay at 2s to the rupee should be extended to officers holding select appointments above the time scale. It has been decided to grant to such of those officers as are in receipt of pay not exceeding Rs. 3,000 a month a monthly sterling addition of £13 6s 8d, subject to recommendations by the Government of India as to particular posts to be so treated.

"It is the intention of His Majesty's Government that concessions sanctioned for officers appointed by the Crown or the Secretary of State should be in the same position as their permanent salaries, i.e., should not depend on recurring votes of the Legislatures in India, and a Bill for such amendment of the Government of India Act as may be required will be brought as early as possible in the present Parliamentary session.

"Statutory rules under the Government of India Act are required to give effect to these decisions. Rules are now being framed and will be issued very shortly.

"His Majesty's Government have also decided to accept generally the recommendations in Chapter 5 of the Report as to the rate at which Indian recruitment for certain Services should be carried out. They have also decided to transfer to the Government of India the duty of making appointments to certain Central Services and to transfer to Local Governments that of making appointments to the Services operating only in Transferred departments, as recommended in Chapter 2. The consideration of other proposals in the Report will be completed without avoidable delay."

On the 16th December a further notification said that "the Secretary of State has now made statutory rules giving effect to the decisions regarding pay, passages and pensions. Copies of these rules are expected to reach India about the end of December, or the beginning of January.

"(2) The rules provide for the payment of overseas pay in sterling to the following classes of officers —

(a) Officers on the time scale or in the selection grade of the Services enumerated below who, at the date of their appointment, had their domicile elsewhere than in Asia

(b) Officers other than those included in (a), who are entitled, under existing orders, to overseas pay and who belong to any of the Services numbered 1 to 10 during such period as they may have either a wife or child in Europe

(c) Officers holding certain posts outside the time scales or selection grades of these Services who would be entitled, under (a) or (b), to overseas pay in sterling, if they were on the time scales or in the selection grades

The posts referred to in (c) include, with a few exceptions, all posts in those Services the present pay of which does not exceed Rs. 3,000 a month. As a rule sterling overseas pay becomes payable only from the commencement of the 5th year of Service. In class I of the Survey of India, it is payable from the 8th year of army service, and in the Mines Department it is payable from the 1st year of service.

"(3) Sterling overseas pay will be paid by the High Commissioner in London, and before he can make payments it is necessary that every officer should intimate the name and address of the banker or agent in England whom he authorises to receive payments on his behalf. Such intimation should be made at once by every officer who claims to be entitled under the rules to overseas pay in sterling to the Audit Officer who audits his pay, and the Audit Officer will transmit the

information to the High Commissioner. As payments in London cannot be made until this information has been received from officers, it is most desirable that the information should reach the Audit Officers as early as possible, and in any case not later than the 1st January, 1925

"(4) Officers, who claim under Para 2 (b) to be entitled to overseas pay in sterling on the strength of having a wife or child in Europe, are required to satisfy the Commissioner for India on this point. Such officers, therefore, when reporting to the Audit Officer the name and address of the banker or agent authorised to receive payment on their behalf in England, should also state the basis of their claim and full particulars in support of it for transmissions to the High Commissioner

"List of Service (1) Indian Civil Service, (2) Indian Police Service, (3) Indian Forest Service, including Forest Engineering, (4) Indian Service of Engineers, (5) Indian Medical Service (Civil), (6) Indian Educational Service (Men's branch), (7) Indian Agricultural Service, (8) Indian Veterinary Service, [9] Superior Telegraph Engineering Branch, [10] State Railway Engineers [I S E], [11] Indian Audit and Account Service, [12] Military Accounts Department, [13] Mint and Assay Department, [14] Imperial Customs Service, [15] Wireless branch of the Post and Telegraphs Department, [16] Geological Survey of India, [17] Indian Meteorological Service, [18] Locomotive and Carriage and Wagon Departments [State Railways], [20] Archaeological Department, [21] Zoological Survey of India, [22] Class I of the Survey of India, [23] Ecclesiastical Department, [24] Political Department, [25] Mines Department"

With these general proposals for the benefit of the European Services may

### New Legislative Rules

be compared the attempts made from time to time to limit the elasticity of the Reforms Act. The misuse of the Rule-making powers which Parliament under the guidance of Mr. Montagu thought fit to entrust to the Indian Government now ran apace. The alterations made in the Indian Legislative Rules in March 1924 (see Vol I p 537) were designed to add to the certificate powers of the Viceroy in order to make them more effective than the constitutional Statute intended them to be. They were also intended to afford an uncontrollable Government repeated opportunities in the Assembly of re-opening matters settled already so as to give them exclusively the chance of correcting their own mistakes and of trying another chance. A further alteration was made on July 21st under circumstances detailed on pages 208 15

Under the existing rule, the Government cannot bring a demand for supplementary or additional grants except in two cases, that is, where the grant voted is insufficient for the service, and when a new service not contemplated in the Budget is found necessary. The terms of Clause (1) of Rule 50 of the Indian Legislative Rules, which are bodily incorporated into the Provincial Legislative Rules as well, are express and mandatory in their nature. The Government soon found however that occasions arise when having failed to carry the legislature with it in its first attempts to secure a grant, it may, by subsequent private negotiations with individual member or parties, by cajolery, coaxing, threats etc, find itself able to secure assured support if only the demand which was first refused could be re-submitted. The existing Rule 50 of the Indian Legislative Rules and its counterpart Rule 32 of the Provincial Legislative Rules do not permit re-submission of a refused demand in the same year. Hence the additional rule (see p 215)

Then again, on November 28th the "Gazette of India" published a new rule to be added to Rule 20 of the Legislative Council Rules of every Province. It provides, *inter alia*, for the procedure on the recommendation and certification of a Bill by the Governor. It runs—"No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a select committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge, except by way of amendment to a motion made by the member in charge

'For the purpose of this rule "member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of the Government, and in any other case the member who has introduced the Bill.

'Where (a) a dilatory motion has been carried in respect of a Government Bill, or (b) the Council refuses to take into consideration or to refer to a select committee, or to pass any Government Bill, and thereafter the Governor recommends that the Bill be passed in a particular form, a motion may be made for leave to introduce the Bill in that form, and where such recommendation has been made in the case referred to in Clause (a) the Bill, in respect of which the dilatory motion has been made, shall be deemed to have been withdrawn

'Where a Bill has been introduced after a recommendation under sub-rule (I), any motion may, subject to the provisions of these rules, be made in respect of the Bill, notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same session.

'For the purpose of this rule and of Rule 20 C, a "dilatory motion" means a motion that a Bill be referred to a select committee, or that it be circulated for the purpose of eliciting opinion thereon, or any other motion, the effect of the carrying of which will be to delay the passage of a Bill

'A recommendation or certification in respect of any Bill by the Governor under Section 72 E of the Government of India Act may be made by a message, and shall be communicated to the Council by the President, and shall be endorsed on the Bill

'No dilatory motion shall be made in connection with a Bill, in respect of which a recommendation has been made (hereinafter referred to as a recommended Bill) without the consent of the member in charge of the Bill, and if any such motion has been made, but has not been carried prior to the communication to the Council of the recommendation, such motion shall not be put to the Council

'Where during the passage of a Bill the Governor makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended

'Where the Council refuses to take a recommended Bill into consideration, or makes any alteration therein, which is inconsistent with the form recommended, or refuses to agree to any alteration or amendment, which if accepted would bring the Bill into the form recommended, the President shall, if so requested by the member in charge of the Bill, endorse on the Bill a certificate to the effect that the Council has failed to pass the Bill in the form recommended.

'Subject to the provisions of this rule, and of Rule 20B, the ordinary procedure of the Council in regard to Bills shall, so far as may be possible, apply in regard to recommended Bills"

A matter in which Lord Olivier acted in a manner satisfactory to Indian sentiment may be mentioned here. In the notorious O'Dwyer Nair case, it will be remembered, Mr Justice McCardie had passed strong strictures against the mild action that the Govt of the day had taken against Genl Dyer of Jhallianwalla fame (See Vol I p 786-92) This had been so outrageously impertinent that a debate had been raised in the House of Commons (see Vol I p 783) and some Labour M Ps sought to move a motion of censure on justice McCardie. As Indian sentiment was sorely exercised over this affair, the Labour Secretary of State issued a despatch to the Govt of India on 6th July 1924. The despatch of Lord Olivier runs —

"My Lord, I have no doubt that Your Excellency's Government have read the reports contained in the public press of the trial of the action O'Dwyer V Nair and have observed the remarks made by the Judge, particularly on the 2nd May and the 5th May and in his summing up to the Jury on the 4th

and 5th June regarding the actions of General Dyer at Amritsar in April 1919. Mr. Justice McCardie expressed his view that General Dyer acted rightly and that he was wrongly punished by the Secretary of State for India. This expression of opinion upon a point for a judgment upon which all the materials were not

## CHRONICLE OF EVENTS

available to the court and in a case in which the Secretary of State, who was criticised and condemned, was not a party, has been dealt with by the Prime Minister in the House of Commons in answers, of which I enclose copies for your information and His Majesty's Government do not propose to comment further on it in its more personal aspect

"But it has a wider aspect and raises a general question of grave public importance. For Mr Justice McCardie's deliberate condemnation of the action of His Majesty's former Government with the remarks which fell from His Lordship at the earlier stages of the trial might lead to the inference that one of His Majesty's Judges hold views regarding the use of force when military action is invoked in support of civil authority which are at variance with those which have hitherto been accepted by His Majesty's Government and upon which the existing orders on the subject are based. Whether or not this inference is correct His Majesty's Government are not aware and are not concerned to enquire. But it is their duty to make their own attitude plain, and in order that there may be no doubt in the minds of Your Excellency's Government, your civil and military officers and the public at large, they desire to re-affirm in their own behalf the principle laid down by their predecessors in Mr Montagu's despatch No 108 (public) of 26th May 1920 in the following terms

"The principle which has consistently governed the policy of His Majesty's Government in directing the methods to be employed when military action in support of the civil authority is required may be broadly stated as the use of the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire."

"The principle was endorsed by Mr Justice McCardie in whose summing up the following words occur: "The administration of Martial Law ought not to be marked by any caprice nor ought it to be marked by a severity which is not required by the circumstances", but His Majesty's Government feel bound to dissociate themselves from the further view, apparently held by the learned Judge, that "the action proper to be taken by a Military or Police Officer for dispersing an unlawful Assembly may be determined by a consideration of the moral effect it may be thought likely by the officer taking it to have on other persons whom he may believe to be contemplating disorder elsewhere."

"They also adhere to the views of their predecessor expressed in the same despatch from which Mr Justice McCardie would appear to have been disposed to dissent, as to the principles which should govern the use of aeroplanes to avert civil disturbances."

On this the Government of India issued on September 1st a brief resolution as follows — "The Governor-General-in-Council desires to emphasise the view expressed by the Prime Minister in the House of Commons on June 23, 1924, that the further discussion of the matters referred to in the question addressed to him would not be conducive to public interest."

"As regards the questions dealt with in paragraphs 2 and 3 of the Secretary of State's despatch, the Governor-General-in-Council recognises that the question of the propriety of the learned Judge's expression of opinion in his summing up is not a subject for his consideration. He must however observe that matters to which these paragraphs relate were very carefully considered and fully reviewed by the Government of India in their despatch No 2 of 3rd May 1920. The conclusions formed upon them by His Majesty's Government were conveyed in Mr Montagu's despatch of the 26th May, 1920 with which, it is observed, His Majesty's present Government have completely associated themselves. Both these despatches have been published. The Government of India are in complete agreement with the conclusions formerly expressed upon the questions referred to in paragraphs 2 and 3 of the Secretary of State's despatch of the 8th July, 1924, and see no reason to reopen them. The Government of India have consistently acted in accordance with conclusions contained in paragraph 3 of the Secretary of State's despatch and the present restatement of them requires no change in the existing orders. It is only necessary to call the special attention of all officers, military and civil, to these orders which should be strictly observed."

But actions of an alien Government apart, the greatest set-back to the progress to the country came from within the country itself. India

**Communal Riots** was in this period torn by internal dissensions in the shape of the most horrid Hindu-Moslem riots which for the time being dashed to pieces all hopes of her realising the rising nationalistic aspirations. Gandhi's famous article on Hindu Moslem tension (Vol I p 644 *et seq*) of May last did not seem to have any the slightest effect. Daily the gulf was widening. The Arya Samajists and the Hindu Sangathan movement and the Moslem counter-movements were degenerating into the filthiest propagandism. Vernacular papers cropped up like mushrooms simply to indulge into the most unbridled license in ridiculing the religion and social customs of the opposite community, and they sold like hot cakes. The 'masses' of India had their worst passions pandered to, as it gave a profitable employment to the vulgar scribes. The result was soon seen. Communal differences broke out into the most atrocious riots in September and October 1924 and spread throughout Northern India. It served as an eye-opener and changed the whole course of development in Indian polity. New political conferences, such as the "Unity Conference" at Delhi and the "All-Party Conference" at Bombay were the outcome, while all sections of Indians were constrained to admit that British bayonets were indispensable in such cases to keep the peace. As in the riots of 1923, the Hindus suffered most and first invoked the protection of British arms.

The first open outbreak was at Delhi on the 11th July when an insignificant quarrel

#### Delhi Riot

between some Kahar Hindus and a Mahomedan boy occasioned a serious rioting. This was followed in the next 3 days by a serious Moslem attack on Hindus resulting in three Hindus killed and some 50 injured. On the 15th, the Bakr Id day, a wild riot broke out again. And yet Messrs Mahomed Ali, Ajmal Khan and other eminent Moslem leaders had only the week before exhorted the Moslem to observe peace on the Bakr Id day. The cause of the trouble was that on the morning of the 15th the local authorities proclaimed the special closing of an additional route through the Hindu quarters for cows destined for slaughter. This order was resented by Moslems, especially butchers. They tried by force to take a cow through the prohibited road and a serious rioting took place. Order was restored with difficulty by calling the Military, and the Police opened fire by buckshot. Some 12 Hindus were killed by the Moslem butchers, and about a hundred received serious injuries. There were minor casualties amongst the Moslems too. Panic reigned in the Hindu quarters and houses and shops were kept shut for a good many days. Sporadic attacks continued specially by Moslem goondas on stray passers-by, who happened to be Hindus, in the next few days, and even a Hindu temple was desecrated.

On the Bakr Id day smaller disturbances also occurred at several places, the cause of the trouble being the same everywhere, the Moslems must kill a cow for sacrifice and Hindus would not allow that. Some of the bigger street-fightings took place in Nagpur, Jubbulpore and other places in the C P and Berar where the Moslems being few in number were the worst sufferers.

But the most amazing case was the riot at Gulbarga in H E H the Nizam's territory. Hitherto all such riots had taken place only in

#### Gulbarga Riot

British territory, and a Hindu Moslem riot in an Indian State was never heard of. It has ever been an article of faith amongst people in India that the subjects of Indian Princes never suffer from any communal jealousy and it is only in British India where the practice of playing Hindus against Moslems and *vice versa* is a settled imperialistic policy that such feelings are fostered. But Gulbarga gave a rude shock. The facts about the riot at Gulbarga are as follows. Communal trouble which was brewing there for some time past developed on the day previous to Muharram, when idols of a Hindu temple were taken out in a palanquin procession accompanied by music. The procession was obstructed by Mahomedans. The police force present not being sufficient to meet the emergency, the city magistrate asked the processionists not to proceed. The latter obeyed and turned back. On the following day, the day of the Muharram, some Mahomedans accompanying the *punja* procession molested Hindu men and women whom they met on the road and afterwards entered the Sharan Vishveshwar temple, remained in possession of it for some hours, and did some damage. Next day a story went round that the Hindus had caused mischief to a mosque. Thereupon Mahomedan mobs attacked all Hindu temples in the city, numbering about 15, and broke the idols. They also raided the Sharan Vishveshwar temple and attempted to set fire to the temple car. The

police were eventually obliged to fire with the result that three Mahomedans including the police superintendent, Mr Azizullah, were killed and about a dozen persons injured. Next morning, the streets were again in the hands of Mahomedan mobs and considerable damage was done to Hindu houses and shops. On the arrival of police reinforcements, order was restored. On the 14th August Muslim mob fury was at its height and almost every temple within the range of the mob, some fifty in number, was desecrated, their *sanctum sanctorum* entered into, their idols broken and their buildings damaged.

News about the riot at Gulbarga spread fast throughout India. But a more appalling riot had still to come. It happened on September 9th and 10th in Kohat in the North Western Frontier province where the Moslems naturally predominate. Here

### Kohat Riot

Hindu Mahomedan relations had not been of the friendliest for some time on account of forced conversions and abduction of women. About this time the Sanatan Dharma Sabha, Kohat, the Secretary of which is one Jiwan Das, distributed a pamphlet which was calculated to wound Moslem religious susceptibilities and was most offensive in tone. The poem was said to be a reply to an equally offensive anti-Hindu poem published in a Moslem news sheet. On the 2nd September the Hindus however passed a resolution regretting their error and requesting pardon, but the provocation was too great and the more fanatical among the Mahomedans were not satisfied. On the 3rd September a crowd led by Moulvi Ahmad Gul approached the Superintendent of Police and the Assistant Commissioner, S. Ahmed Khan, and demanded drastic action. The latter thereupon called on Jiwan Das to execute a bond for Rs. 10,000, with 10 sureties and detained him in custody during the security proceedings.

Nothing happened till the 8th September, when Jiwan Das was released on bail. Protest meetings were at once held in the mosque by Mahomedans. On the previous night the Mahomedans had taken the *talaq oath* that is, they solemnly decided that they would either die next morning or arrive at some decision, that their wives stood divorced to them, and that they would not be afraid of death or imprisonment. This particular oath taking had a very sinister meaning amongst the frontier people, and, unfortunately, was not reported to the authorities in time. On the 9th a crowd of about 1,500 men came in an ugly mood to interview the Deputy Commissioner, and seeing that crowd he and the Superintendent of Police made arrangements to post the entire available force of the City Police in the streets and to reinforce them with a force of 60 sowers from the lines. The crowd was persuaded to disperse but then occurred the most harrowing scenes.

The Hindu version is that some parties in the mob then entered the city and began to loot and burn the shops. The Mahomedan version is that a crowd of small boys moved down the main bazar, rapping their sticks on the shop fronts in an offensive manner. When the police were driving them out, shots were fired at them from the Hindu house tops. One boy was killed and three or four were wounded. Maddened by rage the fanatical crowd in turn retaliated by setting fire to the shops. Panic reigned. A large number of people were running up and down the bazar, and as the fusillade from the house-tops continued, the Police put an end to the firing which was causing casualties to Mahomedans in the street and also to the police. Now looting in the bazar became general, all Hindu shops being overturned, the contents piled on the streets, and the shops set fire to.

On the 10th September villagers from the surrounding country reinforced by Mahomedan Kohatis came pouring in. They had succeeded in the course of the night in making a number of breaches in the mud wall surrounding the city. At least 13 breaches had been made and the authorities failed to stop this inroad. The occupant of a Hindu house, apparently disturbed by the gathering crowds, opened fire. This was the signal for a general presumption of firing which burst out from all over the Hindu mohalla. The Moslems in return began a wholesale plunder and incendiarism. Before noon fires had been lighted at various spots on the outskirts of the Hindu mohalla and the Deputy Commissioner and the Brigade Commander, thinking that there was grave danger for the wholesale slaughter of Hindus, made a concerted effort to remove all the Hindus. The Hindus were first removed to the cantonment and later on there was an exodus of the whole Hindu population of the town to Rawalpindi.

Enquiries were subsequently instituted by the Government and on December 8th the Government of India issued the following resolution on the Kohat riot —

"After careful consideration of all the facts before them, the Government of India agree generally with the conclusions of the Chief Commissioner. In particular, they concur in the finding of the investigating Magistrate and the Chief Commissioner that the immediate cause that led up to the rioting was the

**The Govt of India  
Resolution**

publication and circulation in Kohat, under the name of Jiwan Das, Secretary of the Kohat Sanatan Dharma Sabha, of a pamphlet containing a virulently anti Islamic poem

"The publication of such a poem, which to Moslems could hardly seem other than blasphemous, would be mischievous and provocative anywhere. Its publication in the North West Frontier Province, where the Hindus are in a small minority, among a Moslem people, intensely religious in feeling and observances, and in a town already troubled by communal feeling, and hardly three miles from fanatical tribal territory, was, if deliberate, an act of wicked folly.

"The fact of the publication is not denied by the Sanatan Dharma Sabha or Jiwan Das himself. Their chief contention is that the publication was not deliberate but accidental and without their knowledge. How far this can be reconciled with the 'prima facie' documentary evidence to the contrary contained on the printer's file will be a matter for decision in the Courts, and further comments on this score must be reserved. It seems clear, in the light of after events, that the Commissioner would have been well advised had he taken immediate steps to have proceedings set in motion under Section 153 A and 505 of the Indian Penal Code against Jiwan Das over the pamphlet instead of resorting to preliminary action under 107, Criminal Procedure Code. As it was, he found himself on the 8th September in a dilemma, as he evidently thought of having to choose between releasing Jiwan Das on bail unostentatiously at once, or releasing him on his furnishing the required security on the 11th September, when, as was known, arrangements had been made for the presence of a large crowd of Moslems from the villages to attend the trial. He was certainly wise in deciding against the latter course in the state of Moslem feeling, but though there is often much to be said in favour of avoiding precipitate action over a cause which has aroused religious and communal feeling, and of waiting until the excitement has subsided, it would seem that he under-estimated the depth to which Moslem feeling had been stirred over the pamphlet, or he would have avoided being placed in the difficult position which faced him on the morning of the 8th September by moving the local administration some days earlier to sanction proceedings against Jiwan Das under the Indian Penal Code.

"The Deputy Commissioner was at a disadvantage on the morning of the 9th September in that a full report of a protest meeting of Moslems held the night before had not reached him as it ought to have done. The sinister significance of this meeting lay in the fact that the Moslems took an oath of divorce that they would take the law into their own hands if the Deputy Commissioner did not redress their grievances over the insult to their religion. This oath is the most binding oath on the Frontier, and ought to have acted as a warning signal to any official with Frontier experience. Owing to the error of an Inspector of Police, however, the report failed to reach the Deputy Commissioner till too late. That the Inspector was a Hindu acquits him of any suspicion of bad faith, but not of dereliction of duty, for it cannot be doubted that the Deputy Commissioner would have taken further precautionary measures had he known that night or early the next morning of the taking of this oath.

"On the morning of the 9th, the Moslems interviewed the Deputy Commissioner and after a jurga lasting till noon moved off away from the city to the Assistant Commissioner's Court, satisfied with the decision that the prosecution against Jiwan Das was not to be dropped. Shortly afterwards, however, serious rioting broke out in the main bazar. One of the points in the case most in controversy between the Hindus and Moslems centres on the exact cause of the beginning of the riot. Mr Bolton has carefully reviewed the evidence, and the Government of India accept his finding that the immediate occasion of the riot was the panic firing by some Hindus, who, mistaking the clamour of dervise boys for the approach of an angry mob, opened fire on them, killing one Moslem boy and wounding others. On the other hand, the fires which broke out almost immediately afterwards and ended in the destruction of a large portion of the city, were the result of incendiarism on the part of Moslems who sought thereby to retaliate on the Hindus.

"On the outbreak of the riot, the authorities acted promptly and well. By night fall the situation was so far under control that the crowds had been driven out of



the city, the fires had been partially extinguished, and such efficient arrangements had been made to keep the tribesmen from coming into the district that Kohat was saved from an even worse disaster. The night passed quietly. The morning of the 10th opened with no signs of disturbance, and the task of extinguishing the fires was resumed, but the peaceful appearance of the night and early morning proved deceptive. The provocation they had received and the heavy casualties they had suffered had made a deep impression on the feelings of the Moslems, and had created in them a desire for retaliation which later in the day led to fresh outbreaks of disorder.

"In the light of subsequent events, the Government of India agree that it would have been wiser if the authorities had taken more into account the possibility of a recrudescence of a serious rioting. They are not prepared to say, however, whether even if the full intensity of the recrudescence had been completely foreseen, and other dispositions of the available forces had been made, these renewed outbreaks of disorder could have been prevented or made abortive. The situation was complicated by the threat of inroads from the tribal hills, the task of dealing with the fires, the firing from house tops, the concentration of crowds in different quarters, and the consequent interruption of communications and possibilities of danger lay in several directions.

"The Government of India cannot endorse the criticism that has been current in certain quarters that the crowd should have been fired upon, for there appears to have been no stage in the rioting that followed at which firing could have been profitably ordered with the troops and the crowds inextricably mixed in the narrow lanes in the city. There can be little doubt that the result would have been to inflict heavy casualties, involving inevitably the loss of many innocent lives, to add to the general confusion and to increase the danger of Moslems from outside making common cause with their co-religionists.

"The efforts of the authorities to control the situation were greatly hampered by the continued firing from the roofs of the houses, the uproar, and the rapidity with which the fires spread.

"The Government of India are of opinion that once the muhallah was burning the evacuation of the Hindus from the city to the cantonments was the only humane or, indeed, possible course. They are pleased to be able to record that at the height of this fierce communal riot, there were to be found Moslem gentlemen to help in escorting the Hindus out of the city. Indeed, it is doubtful if without their help the evacuation could have been effected as it was without casualties. The subsequent evacuation from their refuge in the cantonments to Rawalpindi was arranged at the earnest entreaty of the Hindus themselves. The authorities were, no doubt, prompted by humanitarian motives in providing the special trains and other facilities for which the Hindus begged in their panic-stricken condition. However, the Hindus were incapable of forming a right judgment of what was for their own good, and the Government of India feel that the authorities would have acted with truer kindness had they hardened their hearts against the entreaty. That the city Hindus would have been safe in their refuge is shown by the fact that the cantonment Hindus remained behind secure from any sort of molestation.

"Finally, the Government of India note with grave concern that some members of the forces of law and order were involved in looting. Several individual cases have already been brought to trial, and all other cases that are susceptible of proof are being rigorously taken up. The Government of India trust that the severe disciplinary action taken will prevent the recurrence of such serious offences.

"While the Government of India have been able, in the light of after events, to point out instances where a different course of action would have been wiser, they desire it to be clearly understood that they consider that the authorities faced a most difficult situation with coolness and courage. The loss of life and property in these riots was deplorably great, but the provocation that started the rioting was so grave, the retaliation so fierce, and the whole environment so inflammable, that without coolness and courage on the part of the authorities the loss might easily have been far greater. Credit is due to them for localising the trouble within Kohat and its environs, despite the Hindu-Moslem unrest that was set up at once not only in the district but throughout the Province, and in particular for restraining the trans-frontier tribesmen from descending upon Kohat. The Government of India earnestly hope that the efforts of the Chief Commissioner to bring the two communities together will soon result in an enduring reconciliation, which will enable the Hindus to return in

peace and security and to resume the harmonious relation with the Moslems which were traditional in Kohat

"Arrangements have been made to assist the re-building of houses by means of loans, and in special cases, where the local authorities are satisfied as to the need for this course, the interest on these loans will be remitted. The Chief Commissioner has already opened a charitable fund, the proceeds of which will be used to help the indigent sufferers of both communities to make a fresh start and for similar purposes

"The Government of India are further informed that the Chief Commissioner considers that the police of Kohat city should be strengthened by the addition of a punitive force, and that one-third of the total strength should be Hindu and Sikh in composition, the cost of the punitive post to be borne by the Hindu and Moslem population of Kohat City and the villages in the immediate neighbourhood. Orders on points of this kind will shortly be issued by the Chief Commissioner. His task of reconciliation, however, is delicate, and beset with peculiar difficulties, and the Government of India refrain from saying more at this stage, so important is it that nothing should be said or done which might prejudice the chances of a successful issue"

The tale of Kohat did not take long to spread and infect other areas in Northern India. On the 12th September a riot broke out in

### Lucknow Riot

Lucknow where communal bitterness had been worked up by the activities of the Khilafat and the *Arya Samajist* leaders. It came to a head on the occasion of the local Ram Dal procession when the local Moslems raised objection to the route taken. Thanks to precautions taken by the police the procession passed off quietly. Then trouble arose over the saying of the evening prayers in Aminabad Park, where Mahomedans living in the vicinity were accustomed to perform their *Maghrib* or evening prayers while the Hindus performed their *Arta* in a temple which stands in the Park itself. On the morning of the 12th September the Deputy Commissioner convened a meeting of the leaders of Hindu and Mahomedan thought. At this meeting it was decided that the Mahomedans were to have a clear 15 minutes start from sunset, during which time the Hindus would abstain from the blowing of *sankha* and the beating of gongs in their temple. Although the Hindus agreed to this arrangement, though under protest, they made it clear that they felt aggrieved that their liberty of religious worship should be restrained in any manner whatsoever. That evening the Mahomedan evening prayer passed off without incident, but the Hindus abstained altogether from performing their *Arta*, and in its place held a meeting. During the course of the meeting a body of Hindus moved towards Aminabad Park with hostile intentions and attacked the shop of one Imam Ullah. The Mahomedans too made a counter attack in the course of which an *ekka* driver appears to have been shot dead. This was the signal for a general outbreak of lawlessness. During the night and the early hours of the 13th September three more people were killed and a number of both Hindus and Mahomedans received serious injuries. On this day both Hindus and Mahomedans, armed with lathies and in some cases with swords, were roaming about the streets, gulleys and lanes with the intention of beating any stray members of the opposite community. The Deputy Commissioner issued orders prohibiting the carrying of lathies in the streets and instructed the police to disarm anyone found carrying weapons. The curfew order was passed and S 144 I P C proclaimed. He asked also the Military authorities to render assistance with the result that a squadron of the 4th Hussars arrived at Aminabad Park and began to patrol the streets. An hour later a squadron of Indian Cavalry arrived at Chauk Kotwali and began to patrol that area. The town quieted down on the 14th after the arrival of the military.

The next occasion for a widespread Hindu-Moslem tension was during the

### Shahjahanpur Riot

*Chehnum* festival on the 21st September. On that day a riot broke out in Shahjahanpur City. There had been considerable tension in the city ever since the outbreak a week before at Jalalabad, a village in the district, where differences arose between Hindus and Musalmans over the branch of a Peepul tree, and, in the course of the riot which ensued, a Musalman was killed. The news spread throughout the city, and any moment a riot was expected.

At about 11 o'clock on the night of the *Chehnum* festival when a procession was in progress, a Musalman was found badly beaten by some unknown

persons at a spot nearly a mile away from the route of the procession. Some Musalmans wrapped the injured man in white cloth, placed him on a charpoy, carried him to the procession, and shouted out that the Hindus had killed the man. The procession was a long one, including a number of tazias and followed by about 7,000 Musalmans. On hearing the news they refused to proceed to Karbala to bury the tazias unless justice was done immediately. Mr Wallace, the District Magistrate, with other officials went to the spot and persuaded the men to proceed and bury the tazias. The men proceeded, but later a large number of them went to the quarter where the Musalman was assaulted and attacked the Hindu houses there. The Police promptly arrived and dispersed the mob. Nothing further happened on that night, but next day rioting broke out afresh, and sporadic assaults were committed on isolated persons of either community in almost every corner of the city. As at Lucknow, the Military had to be called in, curfew order passed, 8 144 proclaimed, and gradually the tumult subsided. The casualties numbered 9 killed and some 100 injured.

The most significant and fearful of these riots occurred in Allahabad just on the day when Mahatma Gandhi was breaking his self

**Allahabad Riot** imposed fast on the 8th October. There seemed to be some *agents provocateur* of the "interested third party" who maliciously kindled the fire of communal passion. No doubt the ground was long prepared here as elsewhere. The Buddha and Sangathan movements had caused a deterioration of communal relations. The religious processions of the town had in recent years been devoted largely to the display of weapons and physical force by both Mahomedans and Hindus, who attempted to outdo one another in this direction on each successive occasion. The disturbances at Lucknow and Shahjahanpur accentuated the ill will existing between the two communities. And further the prospect of immediate benefit from the Unity Conference held at Delhi was discounted by a resolution passed by the local Hindu Sabha to the effect that the Hindus were not bound by any resolutions which the conference might pass.

The Chehlum and the Ram Lila celebrations had passed off peaceably. It is not known what was the spark which started the conflagration, but between 7 and 8 o'clock in the evening of the 7th October sporadic assaults occurred in various parts of the city. It began with attacks by Mahomedans on Hindus returning from the celebrations, but retaliation followed quickly. Some Hindu "lathi-wals" attempted to loot the vegetable market, but were prevented from doing so. The principal feature of the disturbances was the organisation of ambushes in backstreets and houses for attacks on innocent passers by. Even women were victims of those outrages which continued throughout the day and the next. The Police and the Military were as usual called in, but they could only patrol the bigger streets.

On the morning of the 9th things looked hopeful, and a few shops opened. But before long certain Hindus and Mahomedans started throwing brickbats at one another near the Colvin Hospital and a Kalwai, losing his head, let off a gun, shooting three Mahomedans including a woman. Afterwards there was an attack by a considerable body of Mahomedans on the Hindu inhabitants of Mirpore, a southern suburb of the town.

On the 10th the Magistrate issued orders suspending all arms licenses in the Kotwali and Muthiganj police circles, and requiring all weapons covered by them to be deposited by 6 p.m. As it was Friday it was apprehended that the Mahomedans might again be inflamed by religious excitement, and the Magistrate requested the leaders to dissuade the people from visiting the Juma Masjid for their prayers. The Magistrate appointed about 100 persons as special constables to help in patrolling. There was no incident during the night and the trouble then subsided.

On the 8th October a riot also occurred in a Calcutta Jute Mill at Kanchrapara, and here too the *agents provocateurs* seemed to be at work amongst the Mill rowdies. Two thousand Mahomedans ob-

#### At Calcutta

jected to the passing of Hindu religious processions carrying the Goddess Durga for immersion, on the plea that there was a mosque on the route. The riot raged for a whole day and night and the immersion had to be postponed till the Police and Military were called in. The riot lasted for several days afterwards and all the neighbouring mills had to be closed down and patrolled by armed police.

The "Unity Day" had a further black record from the Central Provinces. At Saugor friction between the Hindu and Mahomedan communities occurred on the day of the Dussera procession. At Jubbulpore the combined Ramhila and Kali processions on

October 8th were attacked as it was passing the mosque of the Mahomedans. No serious rioting took place but in the side streets and lanes numerous assaults were committed by gangs on isolated individuals of the opposite community, 26 Mahomedans and 8 Hindus thus receiving injuries. On the 9th the District Magistrate passed an order under section 144, Criminal Procedure Code, prohibiting the carrying of lathis, but as the sporadic assaults continued, pickets of troops were stationed at various parts of the city and it was not before some days that the authorities were able to bring back peace and order.

The recrudescence of these riots led national activity altogether in a new channel. While the occurrences helped the European press and the official world to carry on a campaign against giving more powers to Indians on the plea that

**Kohat Settlement** under a "Swaraj" government such riots would be more rampant, they did nothing more when everywhere Indian leaders were exciting their utmost to bring about a solution of the Hindu-Moslem problem. The "Unity Conference" at Delhi (p 148) was a great national attempt to cure this national distemper. But the Government was looking askance at it, and in many cases took but lukewarm interest at the efforts for peace made by local leaders. It was Kohat which kept people long agitating and a full, open and independent public enquiry was demanded. M. Gandhi wanted to visit Kohat in company with some Hindu and Moslem leaders to bring about peace and friendly relations between the two communities, but the Viceroy refused him permission. Request for such an enquiry was made by many Hindu leaders, notably by Pt Madan Mohon Malaviya, but the reply of the Viceroy was a frank refusal of a public enquiry, and finally the "curtain was rung down upon Kohat" by the publication of the result of a departmental enquiry and the Govt of India resolution on December 8th (p 27). By the Indian nationalists the Kohat tragedy was taken not so much the result of Hindu Moslem tension as of the "utter worthlessness and incompetence of the local administration." It was further alleged that behind it lay the deliberate policy of the Government to "rally the Moslems" in order to circumvent the nationalistic movement.

M. Gandhi asked the Rawalpindi refugees to refuse to return to Kohat until the Kohat Moslems invite them and assure full protection. Early in October a number of Hindu and Mahomedan gentlemen of the N W F Province voluntarily formed themselves into a Committee whose object was to bring about a settlement. After some negotiations and interviewing both parties they succeeded in bringing together representative delegations. Both sides expressed their desire for a settlement and their intention of asking the Government to grant an amnesty in all criminal cases arising out of the riots. Before any definite decision was reached, differences began to appear among the representatives of the parties, and a settlement made by one set of Hindu delegates was rejected by others. Similarly, many Mahomedans of the villages refused to be bound by any settlement arrived at by the Moslem Working Committee of Kohat City. On November 30th a Sanatan Hindu Conference was held at Rawalpindi, and on December 5th the Moslem Working Committee held a counter conference at Kohat. The resolution these bodies passed were again marked by bitter accusations.

On the 8th December, however, a draft agreement was initiated by the Presidents of the Moslem Working Committee and of the Kohat refugees in Rawalpindi. This agreement was to be ratified by twelve representatives of each side on the 16th. The representatives discussed the matter till the 19th, but were unable to agree on many important points which had been left undefined in the draft agreement, and at twelve noon on the 19th the negotiations were finally broken off.

Great efforts were made by Hindu-Moslem leaders to bring about a permanent understanding between the two communities. A series of

**Hindu Moslem Entete** informal conferences between Hindu and Mussalman leaders of Upper India was held at Lahore early in December

1924 under the guidance of M. Gandhi. Mussalman leaders of all shades of opinion, the so-called Non-co operators, Khilafatists, Muslim Leaguers, pro changers and no changers were, almost all, of one mind as regards their political demands. These demands may be summed up as below —

## CHRONICLE OF EVENTS

That in provinces where they have a majority of population, their majority be not reduced to a minority or an equality with the other communities in the provincial legislature. They must have an absolute majority over all other parties combined. Obviously this refers, in the first instance, to the Punjab and Bengal. In the Punjab the Lucknow Pact allows the Muslims 50 per cent seats and all the Non Muslims the remaining 50 per cent. In Bengal the Muslims and non Muslims have 40 and 60 per cent respectively. On the population basis the Muslims will have 55 per cent in both. The Muslim leaders present at Lahore expressed their willingness to accept population as the basis of representation in the Legislatures throughout India. They were confident of inducing their fellow religionists in other provinces to accept the principle for the whole of India. They insisted on the same principle being applied to the local bodies and public services. Though no express mention was made of the Central Legislature, it was assumed that the same principle would apply there also. As regards common or separate electorates, at first they insisted on the latter. Towards the end they declared that they had an open mind on the question. Some of them expressed themselves in favour of giving the choice to the minorities everywhere. The Hindus present included only two leaders from provinces other than the Punjab, viz., Mahatma Gandhi and Pandit Madan Mohan Malaviya. The former was not there as a Hindu leader. He was more or less working as an arbitrator. Pandit Madan Mohan Malaviya and the Punjab Hindu leaders declined to commit themselves to any decisions about the proposals made by the Muslim leaders. They were all opposed to the principles of communal representation and most strongly to its extension to the local bodies and to the public services. But their immediate grounds for refusal to discuss the proposals of the other side for the purpose of arriving at a compromise were —

(a) That the recent riots all over India, but most particularly the events of Kohat, had produced an atmosphere of coercion and intimidation, and until that atmosphere was changed there could not be a proper settlement of these questions on the merits. The Muslim leaders on the other hand said that the disputes over these questions alone were responsible for the riots and therefore their settlement was necessary to bring about peace. The Hindus felt that to submit to any settlement of these questions under fear of further riots was inconsistent with their dignity.

(b) That the questions involved having an all-India importance could not be settled without a proper consultation with the Hindu leaders of other provinces.

(c) That the population basis of communal representation not being acceptable to the Sikhs, the Punjab Hindus' consent to it was immaterial. The Muslims contended that the Sikhs were a part of the Hindus, which fact was denied by the Sikhs. The Sikhs maintained that they were a community in themselves, separate from the Hindus, and had been accepted by the Government as such, but that even then they would not insist on communal representation if the Mussalmans also drop it. They were prepared to take their chances in a general election. They were also prepared to accept representation on the basis of taxation or voting strength.

Under the circumstances the communal aspect of these questions apart from their national significance made it incumbent upon the Hindus to come to a settlement among themselves firstly as to the acceptance of the principle of communal representation, specially its extension to Local Boards and Public services, and secondly the basis upon which it should be applied.

The Hindu view was that from the national point of view the acceptance of the principle of communal representation in the Lucknow Pact 1916 was a great blunder. It was alleged on one side and denied on the other that there was any understanding between the two contracting parties about the local bodies and the public services. Some Hindus present on that occasion alleged that the latter were intentionally omitted from the application of that principle and the understanding was that no such claim would be made or entertained in the future. The Mussalmans alleged that there was no discussion on these matters.

The discussions after all proved infructuous and the year closed leaving the matter as it was at its beginning.

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This closes the political chronicle of the period July-December 1924. Several important Committees such as the Mercantile Marine Committee, the Bar Committee, the Civil Justice Committee, the Taxation Committee etc., held their investigations during the year, but the report of most of them are still awaited.

The following is the Report of the Indian Mercantile Marine Committee published in July 1924. This Committee was appointed in pursuance of

**The Marine Committee** a resolution moved by Sir P S Sivaswamy Iyer in the Indian Legislative Assembly and adopted by that body on the 12th January 1922. The Government of India on the 3rd February 1923 announced the appointment of this Committee to consider and report what measures can usefully be taken to further the objects advocated by that Resolution. The composition of the Committee was as follows—President—Captain E J Headlam, Director, Royal Indian Marine, Members—Sir Arthur H Froom, Kt, Mr Lalubhai Samaldas, C I E Jadu Nath Roy, Esq, Sir John Biles, Consulting Naval Architect to the India Office, and Dewan Bahadur T Rangachariar, M L A Secretary—Mr J. H Green

The following were the terms of reference to the Committee—

To consider what measures can usefully be taken—

(1) for the liberal recruitment of Indians as Deck or Executive officers and Engineers in the Royal Indian Marine, (2) for the establishment of a Nautical College in Indian waters for the purpose of training Executive Officers and Engineers of ships, (3) for ensuring the entertainment of Indian apprentices for training as such officers and engineers in the ships owned by shipping firms that enjoy any subsidy or other benefits from Government on any account and for the creation of an adequate number of State scholarships for providing instruction in the Nautical Colleges and Training ships in England pending the formation of a Nautical College in India, (4) for the encouragement of ship-building and of the growth of an Indian Mercantile Marine by a system of bounties, subsidies and such other measures as have been adopted in Japan, (5) for the acquisition of training ships by gift from the Imperial Government or otherwise, and (6) for the construction of the necessary dockyard and engineering workshops in one or more ports.

Chapter I of the report relates to the Committee's procedure and preliminaries.

Chapter II relates to the training of Indian Executive officers and engineers for the mercantile marine. "We are of opinion," the Committee write "inter alia," "that there is good ground for believing that, provided adequate facilities for their education and training are supplied, a fair number of educated Indians of good character will offer themselves as apprentices to the sea with a view to their ultimately becoming officers in the Mercantile Marine." This chapter makes recommendations for training of Indians in a Government Training ship and for the apprenticeship of the trained and their future employment.

Chapter III relates to the development of an Indian Mercantile Marine. It says "inter alia"—

39 In other countries, which have desired to develop a national Mercantile Marine, one direction in which action has been taken to this end has been to reserve the coasting trade for the subjects of the particular country concerned. Under the provisions of the Indian Coasting Trade Act V of 1850 the coasting trade of India is open to all comers and it is the unanimous opinion of all witnesses who have appeared before us that this Act should now be repealed with a view to the exclusion of foreigners from the coastal trade. It is understood that this action was suggested before the war when foreign participation in the Indian coastal trade threatened to assume serious proportions. With the outbreak of War, however, foreign competition declined and the proposal was dropped apparently because it was not considered advantageous to impose restrictions on the coastal trade at a time when India sorely needed coasting ships and was only too glad to receive allied or neutral shipping in her ports. With the return of peace, the position has changed and it is understood that there is now a vast amount of surplus tonnage lying at British ports for which employment cannot be found. The present is, therefore, an opportune moment to reopen the question. The coasting trade of a country is regarded universally as a domestic trade in which foreign flags cannot engage as of right but to which they may be admitted as an act of grace. It is admitted that the policy of British Dominions or Possessions in regard to their own coasting trades must be determined by their local interests and we are of opinion that in the interests of the growth of an Indian Mercantile Marine it is necessary to close the coasting trade of this country to ships belonging to the subjects of foreign nations. It may be necessary to provide that an exception should be made in favour of those foreign States which enjoy any treaty rights in respect of the Indian coasting trade (vide

section 736(e) of the Mercantile Shipping Act, 1894), but we consider that no foreign ships should under any circumstances enjoy superior privileges to those accorded to British ships. We recommend, therefore, that action should now be taken to repeal the Indian Coasting Trade Act V of 1850, subject to the exception which we have mentioned above.

40 It has already been explained that a large number of witnesses do not consider that the exclusion of foreign shipping alone goes far enough to encourage the growth of an Indian Mercantile Marine and that what is required is action to reserve the coasting trade more or less exclusively for shipping companies, the controlling interests in which are predominately Indian. In other words, the object of these witnesses is to compel existing British Steamship lines to gradually Indianise the character of their companies in order that they may be considered eligible to trade on the coast. It is necessary here to examine the possibility of excluding British ships from the Indian coasting trade. As already stated the policy of British Dominions or Possessions in regard to their own coasting trade is determined by their local interests. We find that the Commonwealth of Australia has taken advantage of the provisions of the Merchant Shipping Act to introduce a law which has had the effect of conferring on Australian shipowners a monopoly in the Australian coasting trade. This has been done, not by excluding non-Australian ships in so many words, but by providing in the Australian Navigation Act for a system of control by means of licenses to trade on the Australian coast, which are only granted to vessels engaged in such trade under certain conditions. The conditions attached to the grant of a license for the Australian coasting trade apply to all British ships alike but the nature of those conditions is such that they have the practical effect of automatically shutting out all except Australian-owned vessels from the Australian coasting trade. It is clear, therefore, that if it is decided to take similar action in respect of the Indian coasting trade in the interests of Indian shipowners, there is nothing in the British Merchant Shipping Law which would prevent action of this kind being taken, provided the conditions enforced are applicable to British and Indian ships alike. It is believed to be true that a Committee has been appointed to inquire into and report upon the effect of the operation of the Australian Navigation Act upon the trade, industry and development of that country and that the coastal trading provisions of the Act will form the subject of special enquiry by this Committee. Although, as before stated, one witness with recent Australian experience has said that the Act has been prejudicial to trade interests, there is no information whatever at present as to what conclusions this Committee has reached. Until the Australian Committee's Report is published, it is impossible to base any conclusions on the experience alleged to have been gained in Australia of the policy of coastal reservation.

41 We do not consider that it is possible to say at this stage whether the reservation of the Indian coasting trade for shipping companies which are predominantly Indian in character is likely to be beneficial for India or not, for the simple reason that there are no data at present on which a satisfactory conclusion can be based. In any case, it seems unfair to pronounce any adverse judgment as to the ability of Indians to run shipping companies as successfully and efficiently as the present concerns until they have been given an opportunity of owning and managing ships under more favourable conditions than those prevailing to-day. Indians have proved successful in other technical trades in which a short time back they possessed little or no practical knowledge or experience and we see no reason why, given a favourable opportunity, they should not prove equally successful in the shipping trade. The Honourable Member for Commerce stated in the Legislative Assembly on behalf of the Government that this desire on the part of the people for their own Mercantile Marine was a very natural desire. Recognising this natural desire we are of opinion that this should be met within a reasonable period of time and not in the distant future. This being so, it is our considered opinion that the provision of facilities for the training of Indian officers and engineers alone is not sufficient to meet the requirements of the case and that some further steps are required to achieve the object in view. These further steps we recommend should be in the form of the eventual reservation of the Indian coasting trade for ships the ownership and controlling interests in which are predominantly Indian. This should be done by the introduction of a system of licenses or permits as has been done in Australia, except that the conditions to be attached to the grant of a license or permit in India will be different to the conditions imposed in Australia. We recommend that it should be announced now that with

effect from a date, to be fixed by Government, the privilege to engage or to take part in the coasting trade of India will be regulated by a system of licenses, the conditions of which are indicated in the paragraphs which follow

42 The summary of evidence goes to show that an ideal Indian Mercantile Marine may be briefly described as follows —

(a) Ships to be registered in India (b) Officers and crews to be Indians (c) The ships to be owned by joint-stock companies (public or private) registered in India with rupee capital with a majority of Indians on the Directorate or to be owned and managed by individual Indians (d) The majority of the shares in the companies to be held by Indians (e) The management of the companies to be predominantly in the hands of Indians (f) The ships shall be built in Indian ship yards belonging to companies constituted in a similar manner

As an ideal to be worked up to eventually we accept the above definition, but for the present we do not consider that it is capable of practical realisation in full What we wish to provide for in our coastal trading regulations is that after a time the ownership and controlling interests in the ship or ships for which licenses are required shall be predominantly Indian and we think that this qualification should be held to have been fulfilled if a ship conforms to the following conditions —

(a) That it is registered in India, (b) That it is owned and managed by an individual Indian or by a joint stock company (public or private) which is registered in India with rupee capital, with a majority of Indians on its Directorate and a majority of its shares held by Indians, and (c) That the management of such company is predominantly in the hands of Indians

It is not possible at present to provide that the officers and crews should be completely Indian, because it will take some time under our training scheme to produce the requisite number of Indian officers and engineers, but in our coastal trading regulations which follow provision has been made for the compulsory Indianisation of the personnel Nor is it possible at present to provide that the ships applying for licenses shall have been built in India, because no ship building yards capable of constructing ocean going steam vessels exist in this country but we hope that in course of time it will be found practicable to add both these 'desiderata' to the conditions of the license which we propose should be laid down

43 It should be announced that on and from a certain date to be specified by Government, no ship should be entitled to engage or take part in the coasting trade of India unless such ship has first obtained a license from the licensing authority appointed for the purpose, subject to the following conditions —

Condition 1—Licenses or permits shall, after the introduction of the licensing system be issued to any ship flying the British Flag, provided that it is proved to the satisfaction of the licensing authority that such ship, not being more than 25 years old, has been regularly engaged on the coasting trade during the preceding twelve months and that the Joint Stock Company (public or private) or individual by whom it is owned gives an undertaking in writing to take Indian apprentices for training subject to a minimum of 2 per ship, no line being compelled to take more than 60 apprentices at a time Provided further that such Joint Stock Company or individual owner undertakes to employ qualified Indian officers and engineers, as they become eligible up to the extent of at least 50 per cent of the total number of officers and engineers employed These licenses shall continue subject to the Board of Trade Regulations until the ship has reached the age of 25 years, provided the conditions set forth above are being complied with

Condition 2—All ships hereafter seeking to enter the coastal trade can only obtain licenses on their complying with such conditions as may be laid down by Government for Indian Shipping concerns, provided also that the owners of all such ships are likewise required to give an undertaking on the lines indicated in condition 1 regarding the employment of Indian apprentices and the gradual Indianisation of their officers and engineers

Condition 3—The licensing authority may be given discretion to all or any of these conditions during exceptional periods of stress such as trade booms, famines, war, etc, and to issue permits to any ship flying the British Flag to cover such periods as he may consider requisite

Condition 4—The licensing authority may also be vested with power to take such steps, with approval of the Government of India, as may be considered



advisable to deal with deferred rebates, rate wars, or any other conditions which act unduly as a restraint on trade.

Condition 5—Provision should be made that, whereas by treaty made before the 13th May 1869, Her late Majesty Queen Victoria agreed to grant to any ships of a Foreign State such rights or privileges in respect of the coasting trade of British India, those rights and privileges shall be enjoyed by those ships so long as Her Majesty agreed or His Majesty the King may hereafter agree to grant them. This, however, should be subject to the proviso that no foreign ships should under any circumstances enjoy superior privileges to those accorded to British ships.

Condition 6—For the purpose of these regulations "Coasting trade" may be deemed to mean trade exclusively carried on between any port or ports in British India and any port or ports or place on the Continent of India (including Burma.)

These, broadly speaking, are the conditions which in our opinion should be imposed under the licensing system which we recommend should be introduced on the coasting trade of India.

44 It has occurred to us that it would facilitate the growth of an Indian Mercantile Marine if, in combination with the licensing system which has been proposed above, arrangements could be made for the Government of India, by means of a loan, to purchase one of the existing British lines operating on the coast as a going concern and appoint Directors to control it a majority of whom should be Indians. The present management should be retained until such time as there are sufficient Indians available with the experience to undertake complete management. The ownership of the vessels in this line should be transferred by sale from time to time to approved Indian owners with a view to the above concern ultimately being placed in the hands of Indian companies. Such an arrangement would furnish an immediate opportunity for Indians to extend the Indian Mercantile Marine with a ready made fleet of proved efficiency and as the existing management would be retained it would have a definite commercial value offering a fairly safe return for the capital invested in its purchase. The possession of such a fleet of ships of the approved type would provide also immediate opportunities for the training of Indian apprentices and the employment of Indian officers, as well as opportunities for the training of Indians in the business management of shipping concerns by European shipping experts. We have not sounded any of the existing British-owned lines as to whether they would be willing to sell out but we think it is not unlikely, under the changed conditions which, if approved by Government, the reservation of the coastal trade on the lines indicated will bring about, that one or more of these companies might be willing to consider the matter if a suitable offer is made to them. In our opinion this proposition is a feasible one, provided it is combined with the licensing system which we have recommended and we commend it as worthy of serious consideration by the Government of India.

45 In their evidence quite a large number of witnesses have recommended that, in addition to the reservation of the coastal trade for Indian shipping companies, such companies should also be given navigation bounties, cheap Government loans, State guarantee of interest on capital and other forms of financial aid which have been given in other countries simultaneously with the reservation of the coastal trade for their own subjects. In our opinion the reservation of the coastal trade in the manner which we have indicated will confer a substantial advantage upon Indian ship-owners, and we see no justification for the grant of any other forms of State aid. We recommend, however, that at some future date, as soon as a sufficient number of trained Indian officers and engineers are available and Indian ship owners have proved efficient in managing and running coastal steamers, the question of granting navigation bounties to purely Indian shipping companies in respect of overseas trade to other countries would be favourably considered.

47. It has always been an accepted principle that, so far as Maritime Services are concerned, the course of the post should follow as far possible the course of trade. Consequently to secure the maximum economy in carrying mails, steamer services already in existence have been utilized for the purpose. We understand that mail subsidies are fixed by negotiation or tender based on the regularity and speed of the services and that the number of miles combined with the speed has been the determining factor in fixing the rate. In our opinion the broad principle enunciated above is sound and we see no reason to advocate any radical change.

But should the licensing system we have advocated, for any reasons, not be adopted, it will be necessary to enter in all future mail contracts, in which the whole amount of the subsidy is to be paid by India, a stipulation to the effect that all suitable ships owned by such companies must take on board a number of Indian apprentices, in accordance with the limitations we have previously recommended under the licensing system.

"In Chapter V we have dealt with the Indianisation of the Royal Indian Marine. The scheme for the nautical training of Indians which we have recommended in Chapter II will give Indian officers the requisite qualifications to enter any service for which sea experience is required and we recommend that the one way of finding avenues of employment for these officers after their training has been completed should be to employ an increasing number of them, as they become available, in services such as the Bengal and other Pilot services, the Marine Departments under local Governments and in vessels belonging to the Port Trusts, until these services also are practically Indianised.

#### Measures for Encouraging Ship building

Chapter IV deals with measures for the encouragement of self-propelled ship-building in India and the possibilities of training a building staff. "Inter alia" it is stated in this chapter —

If a ship building yard is projected by an Indian Company, the Government may aid that enterprise by (a) advancing a cheap loan to the extent of one-third of the paid-up capital of that Company and assistance in acquiring suitable sites, (b) guaranteeing the giving of all Government and Port Trust work to this ship yard at a cost not unduly higher than the cheapest price which can be secured abroad for a similar class of work, and (c) legislating that, when such a suitable ship-building yard is completed and established, all ships seeking for a license on the coast should also be required to have been built in India. While agreeing with our recommendations, our colleague, the Hon'ble Mr Lalubhai Samaldas, would prefer the Government pioneering this enterprise and establishing and maintaining a ship building yard at its own cost."

"Clause (1) of our terms of reference invites us to state what measures can usefully be taken for the liberal recruitment of Indians as Deck or Executive Officers in the Royal Indian Marine.

"We are given to understand that the Royal Indian Marine Service is about to be reorganised into a purely combatant force of Indian Navy. Until the constitution of such a reorganised service is definitely settled, it appears difficult for us to give any opinion as to the detailed methods to be adopted to Indianise the service.

"We, however, take the opportunity of suggesting that the Indianisation of this service, whether it remains a Royal Indian Marine or becomes a Royal Indian Navy, is a matter of importance and that the preliminary training shall take place in the suggested training ship for the Indian Mercantile Marine in special classes. This, in our opinion, is the most effective and economical course for the preliminary training of such officers.

"It is the almost unanimous desire of all Indian witnesses that the creation of an Indian Navy capable of defending the coasts, harbours and commerce of India should proceed hand in hand with the development of an Indian Mercantile Marine, and we strongly recommend to Government that the re-organisation of the Royal Indian Marine into such a service shall be undertaken with the least possible delay."

#### A Dissenting Minute

Sir Arthur Froom wrote a dissenting minute in which, while accepting recommendations as to training facilities, he holds that "the further establishment of an Indian Mercantile Marine—by which is understood ships owned and managed by Indians—should be left to be developed by those who have a real interest in the business of shipping."

This report was on the whole well received in the country. Legislation on the lines recommended by the committee is expected to be shortly undertaken. A matter in which the Government of India favoured the plea of 'protection' in India again arose in relation to the Tata Iron and Steel Company's claim for further Protection. A resolution on this subject was issued on the 26th November last. The resolution runs "The Government of India have received the report of the Traffic Board called for in a resolution, dated the 8th October, 1924, of the Commerce Department on an application by Messrs Tata Sons and Co., Limited, agents of the Tata Iron and Steel Company, requesting that the Governor-General in Council should exercise his powers under Section 2 (1) of the Steel Industries (Protection) Act. The Board has examined the prices at which steel is being imported, and those which the Tata Iron and Steel Company has been able to obtain for its products. As a result mainly of the heavy fall in the sterling prices of Continental steel and of the maintenance of the exchange in the neighbourhood of 1s 6d the Board finds definitely that the Steel Industries (Protection) Act has so far failed to achieve its purpose. For this reason the Board recommends heavy increases in the duties on unfabricated steel, with consequential increases on fabricated articles. The different recommendations are conveniently summarised in the following table proposed (showing increases in duty per ton) —

## Unfabricated Iron and Steel

Class of Material,	Present Duty	Proposed Duty
	Rs	Rs.
Steel bars	40	75
Iron bars	35	65
Steel Structural Sections	30	65
Iron Structural Sections	20	50
Plates	30	55
Black Sheet	30	52
Galvanised Sheet	45	78
Tin-plate	60	104
Rails and fish-plates (medium and heavy)	14	30
Rails and fish plates (light)	40	75

## Fabricated Iron and Steel and Miscellaneous

Class of Material	Present Duty	Proposed Duty
Fabricated Structures	25 % ad val.	25 % ad val + Rs 60
Coal tubs, etc, and built up pipes	25 % ad val	25 % ad val. + Rs 47
Fabricated Steel beams, channels, angles, etc	25 % ad val	25 % ad val + Rs 54
Fabricated Iron angles, etc	15 % ad val	15 % ad val + Rs 44
Fabricated Plates	25 % ad val	25 % ad val + Rs 41
Fabricated Sheets	15 % ad val	15 % ad val + Rs 40
Spikes and Tie Bars	Rs. 40	Rs 70
Switches and Crossings	25 % ad val	35 % ad val. + Rs 35
Wire Nails	Rs. 60	Rs 25

"The Government of India accept the finding of the Tariff Board that the Protection given by the Steel Industries (Protection) Act has been insufficient, and that further Protection is necessary in order to give effect to the intention of the Legislature as expressed in Section 2 (1) of the Act, but they do not think that this further Protection should take the form of the very heavy additional duties proposed by the Tariff Board.

"The Government of India have calculated, in accordance with the methods adopted by the Board in its original report, that these additional duties would impose a burden on the consumer of more than Rs 2 crores, while the maximum benefit which, if prices rose by the full amount of the increase of duty, they would confer

on the industry would not exceed Rs 50 lakhs in a year. But the Tariff Board reports the existence of heavy stocks of imported steel in India, and until these stocks are exhausted the industry could not derive full advantage of the new tariff.

"A further objection to the proposed duties is that if the duties on unfabricated steel are increased, it is necessary to go further, and also to increase the duties on fabricated steel.

"In these circumstances the Government of India have decided that further assistance which the Board reports to be necessary would more appropriately take the form of bounties. The protective duties imposed in June last have brought in more revenue than was anticipated. Up to the 31st October last the total receipts from these duties amounted to Rs 106 lakhs, and it is calculated that at least Rs 50 lakhs represent the extra revenue arising from the enhancements in duties. Thus, even if allowance is made for the commitments of the Government of India in respect of the bounties contemplated by Sections 3 and 4 of the Act, it is probable that there will be a considerable net surplus of revenue from these protective duties, as compared with the estimate framed when the duties were imposed. The Government of India, therefore, propose to recommend to the Legislative Assembly, as soon as it meets in January next, that the Protection now afforded to the Industry should be supplemented by bounties.

"The exact form which these bounties will take, and other questions connected with the best method of working the system, will require detailed consideration, but the choice seems to lie between bounties on the different classes of raw steel specified in paragraph 2 above at rates equivalent to the additional duties proposed and bounties on finished steel produced in India, so calculated as to give approximately the same financial return to the industry. As at present advised the Government of India are in favour of the latter alternative, and their recommendation will probably take the form that the bounty should amount to Rs 20 per ton on finished steel produced in India. They are further of opinion that these bounties should be given for one year from the 1st October last to the 30th September next, that they should be subject to a limit of Rs 50 lakhs, and that before the period indicated expires, the whole matter should be reviewed in the light of the circumstances then prevailing in order that it may be decided before the opening of the autumn session whether it is necessary or advisable to place fresh proposals before the Assembly.

"The Tariff Board was precluded by its terms of reference from considering any form of Protection other than that contemplated by Section 2 of the Steel Industries (Protection) Act, but the Government of India have ascertained that the Board warmly approves of the additional Protection, which it has found to be necessary, taking the form of bounties."

The Tariff Board was also engaged during the period under review of examining the question of protection of Paper, Ink, Glue, Indian Cement etc, on which the report is expected in the current year.

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# The Reforms Enquiry Committee

Like the Lee Enquiry and Report in the first half of the year, the most important public affair in the second half of 1924 was the enquiry instituted by the Reforms Committee into the working of the Reforms Act. The circumstances under which this Committee was constituted and its personnel and terms of reference have been set forth in the last issue of this Register (see Vol. I. p 541). The Committee began its work on the 4th August 1924 and assembled in the committee room of the Assembly chamber at Simla for only an hour and a half to settle the preliminaries and the details regarding procedure. The non-official Indian members who had not till then been taken into the secrets of the Government were supplied with official papers together with the Govt of India's Circular and the replies of the provincial Governments thereto. In the next two days short private meetings were held like the first for studying the official papers.

As regards the witnesses who appeared before the Committee, it should be remembered that the Swarajists as a party boycotted the enquiry. Pt Motilal Nehru had been offered a seat on the Committee but he had refused, partly on the ground that the terms of reference were very restricted. In the course of the evidences taken however it appeared that as a matter of fact these limitations were not strictly adhered to. It was the liberals mainly who accepted the enquiry, the three most prominent non-officials, namely Sir Tej Bahadur Sapru, Mr Jinnah and Dr Paranjpye, who were on the committee were liberals, and the witnesses who appeared were mostly either Liberal ex-Ministers or representatives of the Liberal party.

On August 7th the Committee held the first public sitting and examined Mr. S. M. Chitnavis, ex-Minister of the C. P. Mr. N. K. Kelkar, another ex-Minister from the same province, was next examined on the 9th and the 11th. They both condemned Diarchy and pronounced it unworkable, and suggested complete provincial autonomy and responsibility in the centre. On the 13th August Messrs H. N. Kunzru and G. N. Misra appeared on behalf of the U. P. Liberal Association, and the next day one of the most sensational pieces of evidence was tendered by Lala Harkishen Lal, the ex-Minister of the Punjab. On August 18th and 19th Mr. C. Y. Chintamani, the U. P. ex-Minister, was examined and made some startling revelations. It was a scathing exposure of the methods of the bureaucracy in working the constitution and greatly perturbed the official members. Mr. Pradhan of Bombay, and Mr. Barkat Ali representing the Punjab Muslim League were next examined on the 19th. In the next ten days some of the other liberal organisations appeared through their representatives. Mr. B. S. Kamat for the Deccan Sabha, and Mr. Chittale for the Bombay Liberals. Other prominent liberals who appeared were Mr. Jamnadas Dwarkadas of Bombay and Mr. Raja Ali of the Council of State. Mrs. Dipnarayan Singh (Mrs. Lila Singh) appeared on behalf of the newly formed Woman's League, and an official, Sir Frederick Gauntlett, gave evidence as a financial expert. The Committee then adjourned by the end of August to the 16th October when further evidence was taken.

In October it was expected that the Committee would reassemble to draw up its report, but instead it went on examining another batch of witnesses. On October 16th Sir P C Mitter, ex-Minister of Bengal was examined. Like the other Ministers, he too condemned diarchy. Next day Sir Purushottamdas Thakurdas appeared before the Committee on behalf of the Bombay merchants. The most remarkable evidence was tendered by Mr Fazl-ul-Hug, the famous unsalaried Minister of Bengal, on the 18th October. It was all a sorry exhibition of hate and anger and malice of everything Indian. On October 20th Sir John Maynard appeared to contradict the damaging statements of Lala Harkishen Lal. Next day Sir Chimanlal Setalvad made revelations in the working of the Reforms in Bombay which were as startling as those made by the other ex-Ministers. On the 22nd Mr Kabiruddin Ahmed created a scandal and Sir Abdur Rahim gave his reactionary views on the 23rd. Next day, October 24th, the Committee's investigations came to a close after the examination of two minor officials, after which preliminaries for drawing up the report were settled. In the following pages a summary of the evidences tendered is given.

### Evidence of Mr. S. M. Chitnavis.

The Reforms Enquiry Committee held its first public sitting on the 7th August when it examined for three and a quarter hours Mr S M Chitnavis, ex-Minister, from the Central Provinces. Mr Chitnavis stood for the grant of full responsibility in provinces and partial responsibility in the Government of India, relaxation of Governor's control over Ministers, statutory enforcement of the corporate responsibility of Ministers, and a united purse, but removal of the control of the Finance department from a member of the Executive Council, and a relaxation of the existing financial, legislative, and administrative control over Ministers.

Mr Chitnavis said that he was a Deputy Commissioner before entering the Council and thus had considerable experience of official business. He was Minister for the first three years and was reappointed Minister after the second elections till March 1920, when, owing to the attitude of the Council, the Ministers had to resign.

The President drew the attention of the witness to a statement in his memorandum about the electorate, whereupon witness confirmed his opinion that although the urban electorate was more advanced than the rural, generally speaking, the electorate was illiterate. In the Legislative Council there were no parties and he strongly believed that the party system could not be developed without the introduction of responsibility. There were about a dozen of his followers but generally the Ministers had to depend upon official support to avoid defeat. There was no Ministry in the proper sense as there was no corporate responsibility. The Government of India Act, said Mr Chitnavis, did not seem to recognise corporate responsibility.

The President began his examination with reminding the witness that generally even the electorate created by the Reforms Act of 1919 was illiterate and that half the population of the province comprised of the depressed classes among whom the percentage of educated persons was the lowest, but the implications of this question could not be left unchallenged and replying to leading questions of Sir T B Sapru and Sir Sivaswamy Iyer, Mr Chitnavis opined that the interests of the masses and the intelligentsia were the same and that so far no legislation merely promoting sectional and communal interest had been promoted. Moreover, he said that a great movement for the uplift of the depressed classes was already on foot and the attitude of the last Council about these classes was most sympathetic. Sir T B Sapru got out of Mr Chitnavis the fact that when a resolution was discussed in the first Council for permitting the depressed classes to use wells a large number of Brahmin members supported it.

Sir Alexander Muddiman asked witness whether he advocated any revision of rule 49 which defines the powers of the Government of India over provincial legislatures and of schedule two. He was asked to read them on the spot and express an opinion. Mr Chitnavis said that at the spur of the moment he had nothing to suggest by way of improvement. As the President and Sir Henry

Moncrieff-Smith were about to make much of this opinion, Sir T B Sapru suggested that not being a lawyer witness could not be expected to interpret the Government of India Act from the legal view-point

Witness had exposed the rigidity of control of the Finance department. The President now asked whether witness would have acted differently if he had been a Finance Member. Mr Chitnavis blushed and replied that not generally. In another instance he suggested the conversion of all non-votable items into votable, and the President asked how witness like the prospect if he had been a Deputy Commissioner himself. Witness laughed and said some protection could be provided but what form it should take he did not say. It was in reply to Sir Sivaswamy that he agreed that a public service commission might be set up in provinces although he was in favour of leaving patronage in the hands of Ministers assisted by staff selection committees.

In reply to Mr Jinnah he told the committee that at present the Ministers' plight was worst. The legislature might pass a vote of no-confidence or the Governor might dismiss him. As he was responsible to both, he could depend on neither. As conditions for such a state of affairs did not exist he wanted the Ministers to retain their seats or go out as was determined by the Council vote. That was the way to develop responsibility. He was convinced that by the grant of full responsibility in the provinces and partial in the centre the existing position would alone be eased and he opposed re-entry of transferred subjects as reserved subjects. Sir Alexander Muddiman thereupon asked as to how would then the present deadlock in the C P be met. He thought that as Mr Chitnavis had been treated badly by the Council he could get a satisfactory answer, but here Mr Chitnavis made the strongest case. He believed that he was turned out not because of want of personal confidence but because the majority in the Council wanted to put an end to diarchy, and as soon as diarchy disappeared he would take office. He believed that the present Council contained the best elements from his province, but Sir Alexander quoted from the C P Government's reply stating that the present Council was not like the old one in the matter of ability. Mr Chitnavis differed and reiterated his opinion. He urged that the position could not be met without the revision of the Government of India Act as a whole and that at present there could be only two parties, Government *versus* people. Sir Arthur Froom, representative of the European interests, suggested that Indians should have more training before claiming further powers. Mr Chitnavis had no difficulty in showing that the soil of diarchy could not grow such a plant and that opposition to further advance would only worsen matters. Dr Pranjpye asked whether Mr Chitnavis was not disappointed in the light of expectations with which he entered office. Witness confessed it was so and as joint responsibility of Ministers had not been enforced or promoted, he urged that the system like that adopted by Lord Willingdon in selecting a Chief Minister and asking him to select his own colleagues should be followed in other provinces.

Sir T B Sapru made the most important suggestion that unless law and justice were transferred to popular control it would be impossible to develop a party system because these were subjects with which the people came most into touch. Mr Chitnavis agreed, and Sir Muhammad Shafi attempted in vain later to make witness revise this opinion. Replying to the Maharajah of Burdwan witness stated that much of the distrust against Ministers was due to their supposed association with the Government on questions of law and order.

### Mr. N K Kelkar's Evidence

On August 9th Mr N K Kelkar, another ex-minister of the C P was examined. Mr Kelkar endorsed in broad outline the measure of political progress demanded by Mr Chitnavis. When cross-examined in turn by Sir Alexander Muddiman, Sir Muhammad Shah, Mr Jinnah, Dr Pranjpye and Sir Tej Bahadur Sapru, he refused to yield even an inch of ground and agree to any alternative which would minimise the exis-

ting evil but still assure proper representation to the minorities. The extent of the interest aroused by his evidence can be gathered from the fact that when the committee rose after a three hours sitting only four members had examined him and Sir T B Sapru had just begun. His written memorandum itself was a weighty document running to 26 pages in close print and extending to 128 paras. The most interesting part of the memorandum was a categorical enumeration of 'some' of the cases where the Services' man poohpoohed the Minister by getting the Governor to over-rule him. This tale of woe contained mention of those responsible for the acts but the copy supplied to the press deleted the mention of all names. For instance, during the non-co-operation days Mr Kelkar had laid down that a lenient view be taken of boys who had left schools or failed to observe certain rules, but the head master of a school did not take the boys back and did not allow them to appear in the matriculation examination. The Minister issued a different order with which the Director of Public Instruction was not satisfied and asked him to withdraw it. As he did not withdraw it, the Director got the Governor to upset the order. In another case the Minister did not think that a particular officer required a motor car for the discharge of his duties, but the Governor over-ruled him. Then again he had laid down that no non-co-operator be debarred from being the office-bearer of any local body. But despite this one Commissioner refused to confirm the election of a non-cooperator president and the Governor confirmed the Commissioner's order in the first instance. Even in cases where an officer was serving under both halves, the Ministers were not consulted concerning such an officer. Mr Kelkar cited a case where a District Revenue Officer conducting municipal elections was accused in the local press of exerting influence to keep the non-co-operators out of the municipality. As the subject concerned local self-government the Minister ought to have been consulted before any action was taken against those who made the allegation, but Mr Kelkar found that the Home Member had ordered prosecution without even informing him. Then, again, although he was in charge of the Public Works department, the buildings programme concerning other departments was never referred to him. No wonder, Mr Kelkar declared, there was dyarchy within dyarchy.

Sir Muhammad Shafi had made no secret of the fact that he considered provisions of the Reform Act so elastic as to make a considerable advance within it possible, and believed that under section 19A rules could be framed which would have the effect of the Secretary of State's voluntarily giving up his power of superintendence, direction and control. Mr Kelkar, had no difficulty in clearly explaining that Section 19A permits the Secretary of State merely to restrict and regulate his power but this regulation must be in accordance with the purpose of the Act. And, as the purpose of the Act is the establishment of dyarchy and maintenance of the Secretary of State's control unimpaired, no rule under the Act can divest the Secretary of State of his supreme power. Therefore within the Act there can be no responsible Government in provinces although some more subjects can be transferred. Moreover section 131 of the Act clearly precludes any action which would have the power of removing the Secretary of State's control over the administration of India.

'Will you like to mend dyarchy or end it,' asked Dr Sapru. 'I would end it because you cannot mend it,' was the prompt reply of Mr Kelkar. 'Would you kill it?' continued Dr Sapru. 'Yes, if it is not murdered,' rejoined the witness. As Mr Kelkar had suggested several qualifications for candidates including his being a graduate, Sir Sivaswami asked whether it won't exclude men like Mr Chintamani and Mr Sastry. Mr Kelkar's resourcefulness and humour got him wonderfully out of the difficulty. The one, he said, was a journalist who knew everything about the world, and the other was the President of the Servants of India Society. His real aim was that educated and qualified men alone should come in, because they could understand the position and make helpful criticism. As this would lay him open to the charge of trying to establish an oligarchy of the educated men, Sir Tej Bahadur Sapru asked how he would meet that charge. Mr Kelkar was quick in pointing to the patriotism and unselfishness of educated classes which should guarantee fair and just dealings for all. If a man was not unselfish then, he added, he was not educated.



Then Sir Henry Moncreiff Smith plainly asked witness whether he would be satisfied with the transfer of some more subjects and even 'minor' amendments of the Act. What is meant by minor amendments? inquired Mr. Kelkar, and added, certainly it does not mean the transfer of all subjects and abolition of dyarchy. 'Oh, no,' replied Sir Henry. What officials aim at is the transfer of some more unimportant subjects and nothing beyond that. They want to maintain rigid control of the Government of India over provincial legislation, as is evidenced from Sir Henry's question, whether witness thought Parliament would agree to the relaxation of Simla's control in that respect. Mr. Jinnah intervened saying that witness would not be expected to know what Parliament would think or do.

The legislative secretary then turned his attention to Mr. Kelkar's advocacy that the services should be secured against the vagaries of voting by the passing of an Act of legislature. Sir Henry put forward the usual cry of his class as to what would happen if one Council upset the Act passed by its predecessor could there be then security for public servants? There might be a swing of the pendulum and a party which voted the Services Act might become a minority in the next legislature and the opposition might upset the Act. Mr. Kelkar pointed out that such a thing was not conceivable from a responsible legislature. Surely in other countries all Parliaments possessed that power, but none used it. On the other hand, Mr. Kelkar was most anxious to maintain the independence of the services. Sir Henry turned his attention to another flank. Supposing, he asked, law and order were transferred, would the Councils support the authorities in maintaining it, because they had not done so far. Mr. Kelkar had no difficulty in pointing out that if the Government had not received the help in full measure it was because it was not responsible, that it did not take the members into its confidence—not even the Ministers—and that, for instance, it was because of its obstinacy in supporting a wrong order of the District Magistrate regarding the Nagpur flag agitation that the Council passed a vote of censure. But in case responsible government was introduced, he had no doubt that he would be supported by a majority in all actions whether executive or legislative.

Sir Henry next asked whether witness would retain the Crown's veto. Mr. Kelkar replied in the affirmative, because such veto power is merely formal. Sir Henry perhaps thought that if witness spoke against this veto it might smell of independence. Sir Alexander Muddiman asked whether if all the subjects were transferred witness would agree to the retention of Simla's control in the form at present in force regarding the transferred subjects under Devolution Rule 42. Mr. Kelkar refrained from giving reply without properly studying the rule section.

The Maharaja of Burdwan who followed Sir Henry was told witness that he thought dyarchy had not been given a fair trial. He at first wanted to entrap witness by suggesting that Ministers should have the right to attend all Cabinet meetings and vote, but that distinction between the reserved and transferred halves should be maintained. Would the Ministers be then happy, asked he? Mr. Kelkar said this might satisfy the Ministers' personal vanity but the scheme was chimerical. Or, in the alternative, said the Maharaja, would witness agree to enforcing real dyarchy, which had not been done in any province, by dividing them into two halves with separate purses. Mr. Kelkar said the government must be indivisible and divisions would not work. But then, rejoined the Maharaja, the government was undivided because the Governor was responsible for the government of the province and would act with the two halves separately. You can't dissect the Governor, Mr. Kelkar put it bluntly. The Maharaja proceeded to find out whether if there was provincial autonomy and the Minister in charge of the portfolio of Law and Order felt called upon to use Regulation III of 1818, would the Council support him. Dr. Sapru slipped in a remark that there may be no Regulation III. The Maharaja retorted that he was not talking of periods when there would be pandemonium in India. Mr. Kelkar, however, gave it back. He had no doubt that if called upon to take repressive measures he would do so and have full support of the public.

## UNITED PROVINCES LIBERAL ASSOCIATION

On the 13 August the Reforms Enquiry Committee heard the first batch of witnesses on behalf of political associations Mr Hridaynath Kunzru and Mr Gokarannath Misra appeared before the committee to be examined on views submitted in its memorandum by the United Provinces Liberal Association. In its memorandum the Association remarked that the restricted scope of the enquiry was calculated seriously to impair its usefulness and reiterated the conviction that the constitutional problem required investigation on a large scale by a more authoritative and representative body. The Association, however, hoped that the result of the committee's enquiry would demonstrate the necessity for such an investigation and it was in that hope that it had decided to place its views before the committee. The Association thought that any large devolution of power from the Secretary of State to the Central and Provincial Governments was extremely difficult to effect by mere amendment of rules. Such devolution would have to be accompanied by greater control of the Indian legislature over the Executive Government and, while it may be possible under the Act to secure a certain amount of independence for the Government of India and the Provincial Governments, such independence would be very different from real, genuine, Responsible Government. Without amendment of the Act no element of responsibility can be introduced into the Central Government, nor would introduction of complete Responsible Government in the province without corresponding changes in the Central Government lead to harmonious working of the administrative machine.

The Association recognised that constitutionally Parliament was supreme, but emphasised that in determining the time and manner of constitutional advance Indian opinion was entitled to proper weight. The last few years had witnessed a remarkable growth of political consciousness in the country and there was nothing more striking than the influence which the educated or political classes had acquired with the mass of the people. It required sympathetic handling and constructive statesmanship to divert the energy of the people into fruitful channels.

The Association next proceeded to meet the objections advanced against premature advance and in this connection recalled the words of Lord Bryce that "there are moments when it is safer to go forward than to stand still, wiser to confer institution even if they are liable to be abused, than to foment discontent by withholding them." As for internal dissensions, the Association pointed to the constant efforts being made by Hindu and Muslim leaders to improve relations but at any rate so far as the demand for Self-Government was concerned, Muhamedans were at one with Hindus, though as a minority they were anxious to have their particular interests adequately protected.

On the question of untouchables the Association declared that this problem is quoted by those hostile to Indian advance and pointed out that the custodians of political power hitherto cannot claim a record of useful activity to their credit on behalf of the untouchables. On the other hand, with the growth of new consciousness in the country, the Association thought that the future of the problem of untouchables can be envisaged hopefully. In any case the existence of this problem may be used for effectively safeguarding the interest of minorities, but cannot justify any opposition to progress. Political ideals are the greatest levellers of communal and sectarian differences and, as in the case of Canada, common national institutions create common nationality.

With regard to the electorate, the Association strongly maintained that only by the exercise of political power will the elector acquire real political existence. It was of opinion that the electorate in India was at least as well prepared for the exercise of political power as was the electorate in England when the Reforms Act of 1832 was passed. The existing partial responsibility could not discipline the electorate. In any case those who advised India to wait until 1929 could not seriously think that such objections would by that time disappear.

## AN IRREMOVABLE EXECUTIVE AND IRRESPONSIBLE LEGISLATURE

The Association holds that these arguments overlook certain administrative considerations which make the amendment of the constitution imperatively necessary and narrated some such considerations.

both in the case of the Central Government and Provincial Governments. In the Central, it is pointed out, that conflicts between an irremovable executive and an irresponsible legislature are bound to be more numerous as time goes on and such a system cannot effectually train people on responsibility nor can Government act with confidence, vigour and independence because, on the one hand, it tries to be responsible to the popular Assembly and on the other, has to take orders from Whitehall. Nor is even the executive united by homogeneity of political views and outlook. The Association therefore urges full responsibility in the Central Government in respect of civil administration reserving for the present in the hands of the Viceroy foreign, political and army affairs.

The Association then points out that there are legal and constitutional difficulties in the way of adequate action under Section 19 A and quotes Sir Malcolm Hailey's views in their support. While relaxation of the control of the Secretary of State can be brought about by rules or convention, conflicts cannot be avoided unless the Assembly has control over the executive. The Act must, therefore, be amended without prejudice to this demand.

#### SUGGESTED CHANGES IN THE ACT

The Association suggested advance within the Act by the following methods (1) that rules under Section 19-A should provide that the Secretary of State should in the matter of purely local interests intervene only in exceptional cases where the Government of India and legislature are in agreement, (2) that there should be free initiative in legislation and finance, the interference of the Secretary of State being confined to cases involving imperial interests, (3) that the financial control of the Secretary of State be taken away consistent with the provision enabling him to discharge his obligations incurred on behalf of India in England, (4) that the statutory qualification under Section 36 prescribing proportions in the Governor-General's Executive Council be removed, because it is not desirable that members of the permanent services should have any controlling voice in the shaping of Indian policy, (5) that franchise be widened in the case of the central legislature and strength of both houses increased, (6) that the Viceroy's certification power be limited only to cases involving safety and tranquillity and omitting mention of the word interest, (7) that in order to get greater security of the budget the Assembly be given full control over the budget, but if the Assembly went wrong the Governor General could certify, under the power to be maintained in respect of the three excluded departments. As regards items of expenditure under Section 67-T-(3) they should be met out of a non-votable consolidated fund, (8) that control over the services be transferred to the Government of India subject to guarantee for the right of services of the Secretary of State should delegate his power provided the various Governments are given power to abolish any appointment.

The Association holds that dyarchy has failed. Provincial subjects are so inter-connected that any division is bound to create difficulties. There has been no active co-operation between the two halves nor had the principle of collective responsibility of Ministers been accepted in practice. The Government of India's control over legislation of the transferred side has not given that measure of initiative and freedom which the framers of the scheme recommended. If Ministers and Executive Councillors and Governors cannot work harmoniously, responsibility in certain subjects is merely a source of friction. If competition between the two halves for funds is to continue and if control of the services in transferred side is not to be vested in Ministers, it is high time that the system disappeared and is replaced by full Responsible Government in the Provinces with a Cabinet system of Ministers, and there can be no half-way house between the present system and full responsibility. The act must therefore be amended, but in view of the terms of reference, the Association also made the following suggestions —

(1) That provincial subjects should not ordinarily be subject to legislation by the central legislature, (2) That all except agency subjects be transferred, (3) That, subject to the provision stated above, Governors-in-Council and Governors acting with Ministers should have full control over the services under

them (4) That the restrictions on previous sanction of the Governor-General for provincial legislation be removed. (5) That the character of non-votable items be strictly defined and their extent reduced to the narrowest limit, (6) That the position of Governors be that of a constitutional Governor and the rules under Section 49 be so framed as to conform in every respect to the provisions of the Act and report of the Joint Select Committee

### Evidence of Lala Harkishen Lal

On August 14th Lala Harkishan Lal, Ex-Minister, of the Punjab, was examined at length by the Committee. His was a sensational piece of evidence, for he did not mince matters in exposing Diarchy in all its naked ugliness as worked in his province. It was only his inexhaustible fund of humour which made the Committee burst out into frequent peals of laughter that acted as the saving grace, to the revelations he made. He believed that so long as communal representation existed Responsible Government was impossible in the Punjab. He observed that under the reforms the power of Governors had been increased and opined that Dyarchy could not be worked without making improvements which would in effect be the negation of Dyarchy. The office of the Minister was merely glorified without power. He also opposed the Meston settlement. In the interest of the administration he would remove Dyarchy and have all Ministers, but in the interest of the people he would first remove communal representation.

Questioned by Sir Alexander Muddiman witness said he was in charge of Agriculture, Industry, Public Works Department Co-operation etc. He said the Punjab Council was divided into religious groups with an under-current of urban and rural rivalry. His colleague was Mian Fazl Hussain and as the latter had a Muhamedan section with him, he was more influential and the position of witness from the point of view of majority was unreal.

President You think parties are run on communal lines and that they are great obstacles to further advance?

A That is so

Q How would you combat it?

A I would do away with the evil of communal representation

Q You know Muhamedans form 55 per cent of the population of the province while their representation at present is less than their population would justify. If there were a general electorate Muhamedans might come into the legislature in large numbers than at present. Then also party may be run on communal lines

A Not exactly to the same proportion. In the Punjab Muhamedans are in a majority and should not claim the privileges of a minority

Q If under a mixed electorate Muhamedans come back with a majority?

A Not always, but I have been ruled by them in the past (Laughter)

In his memorandum Lala Harkishan Lal had complained that there was no single Govt or Cabinet Govt in the province and that joint Cabinet consultations were few. The President said the Act did not prohibit it.

Witness replied that unfortunately the Governor went by the letter of the law.

As for joint consultation between the two Ministers this never occurred because he was told by the Governor that the interpretation of law was that each Minister should act on his individual responsibility.

President You were then divided into water-tight compartments?

A Yes

Q Were you in sympathy with the second Minister?

A Yes, in sympathy with his social life (laughter), but I objected very strongly to his political views

President If there had been joint consultation between the two Ministers would you have carried on together?

A We would not have flown at each other's throats (Laughter)

Q What would have been the position on the whole ?

A If it was really that the Governor sided with him, I would certainly have gone out

In his memorandum witness stated "There have been at times as many as 5 local Governments in the province of the Punjab The Governor of a Province now has more powers than in pre-reform days being less under the supervision, direction and guidance of the Governor-General on one side, the Councils and the Ministers being powerless to check him on the other side Further, the Governor, being solely responsible for the services, creates a somewhat undignified position for members and Ministers"

The President asked as to what witness wanted regarding the services

Mr Harkishan Lal replied that Ministers must have full control of the services and would protect the office He was, however, willing to give to the services the right of appeal to the Governor

Witness also complained strongly against the Finance Department and said that the finances of the transferred departments were at the mercy of the Finance Member, Finance Secretary and clerks in the Finance Department

The President asked if there was any grievance about allocation of funds

A It was never observed in practice The Finance Department over-ruled him many times Once he wanted to send an officer to study Cement overseas and he was not granted the demand because the Finance Department thought the scheme was not useful

Q Would you favour a separate purse ?

A I want a Unitary Government and not divisions

Witness stated in his memorandum that influence in the Council was in proportion to the patronage that any member of Government could put on his side

Questioned by the President he explained that official patronage included the promise of appointment as Hon magistrates, water concessions etc

Mr Harkishan Lal complained in his statement that the Chief Secretary was perhaps more powerful than any other member of the Government Why was it so asked the President Because, replied witness, he was neither responsible nor irresponsible Five or six persons acted as Chief Secretary during the thirtyfour months he held office The President thereupon pointed out that the frequent change of personnel should lessen the case for personal influence which an experienced Chief Secretary could exert

A The power was there and they used it

Answering the President witness said that Secretaries had the right of pre-audience with the Governor and thereby influence him before Ministers could present their case The President suggested that it was quite different if such an interview prejudiced the case, but speaking from personal experience in the Government of India he thought this right of Secretaries saved members a good deal of trouble and time

Witness replied that the position in the Punjab Government was different There were not so many cases that Ministers could not personally explain to the Governor and the file used to wait at his table when the Secretary got pre-audience He advocated that this right of the Secretaries should be taken away in both halves and that the English system of appointing permanent Under-Secretaries of Departments merely to acquaint Ministers with the previous history of cases be followed At present Secretaries were constantly changing During his ministership five Secretaries changed in one of his departments They had never to work more than he and gave him practically no assistance of value

#### DIVISION OF THE ELECTORATE

With reference to the remark of witness that big areas had to be canvassed

by candidates, the President asked whether he considered the Punjab too big

Witness It has been made bigger by communal representation. It is divided into thirty-two parts for Muhamedans, twenty-two parts for Hindus and in still bigger areas, namely twelve parts for Sikhs. This made canvassing and touch with constituents most difficult. If there were mixed electorates the Punjab would be divided into seventy parts and matters would be easy.

The President referred to the statement of witness that in the central legislature also representation looked like communal rather than provincial.

Lala Harkishen Lal explained that he had not heard of members from the Punjab in the Assembly meeting as such and discussing a common policy, but he had heard of voting parties on communal lines.

The President enquired whether he would like representation in the central legislature to be indirect, namely, provincial councils would elect representatives to the central legislature thereby ensuring that the views of the provincial majority would be voiced in the centre.

A I am in favour of the newest and the latest machinery both in politics and in industries (Laughter)

Q You won't have that system because you think it would mean going back to the old practice?

A I think the Government of India has been going back gradually (Laughter)

President I hope not personally? A No

Lala Harkishenlal stated in his memorandum that "financial arrangements of Local and Central Governments, namely, provincialising of rural revenues and centralising urban revenues, the income-tax and super-tax, suggested very undesirable competition and rivalry and creation within the province of what he calls irresponsible functionaries, such as railways and income-tax collectors."

Asked by the President to explain his views he said he would like to provincialise the traffic staff and he did not think the central income staff had improved matters. He believed that if certain departments of the Railways knew they were responsible to the local Government their behaviour would change.

President Then you want to introduce Dyarchy in this respect, although you are against Dyarchy? (Laughter)

A Yes, it may be tried in this case.

President What is your objection to division of revenues?

A I have heard rural members in Council tell urban members that they did not contribute to provincial revenues and this may cause trouble in future.

President What are the special privileges of the civil service you refer to, which you say stand in the way of free development of responsible institutions?

A They are made Governors and members of the Executive Council.

#### I C S AND RESPONSIBLE INSTITUTIONS

President The Government of India Act provides only for service under the Crown and appointment need not go to civil service men.

A I am not aware of any other man who had got it.

President Sir Thomas Holland was a geologist and was a Member of the Viceroy's Council.

A He was, and he had to go (Laughter)

President There is now Sir B N Mitra.

A Yes, then there was something else. An Indian had to get in. My view is that these are forced exceptions which do not prove the rule.

With regard to the remark of witness that resolutions passed by the Council could not be carried out even on the transferred side, the President observed that even in the House of Commons they were not binding.

Witness said that the position was different in the case of the two countries.

Here when a resolution of the Council was passed the Minister was willing to carry the recommendations, but effect could not be given

President The Minister could resign

A I did resign four times but it was ineffective

Mr Jinnah You had to carry resignation in your pocket? (Laughter)

A I did

President Resignation was inoperative

A It was not accepted (Laughter)

Lala Harkishen Lal then detailed how there were really five Governments in his province instead of one, the two Executive members, the two Ministers, and the Chief Secretary were doing in their individual capacity what they liked without consulting others. There was no joint consultation and when he asked for a joint meeting on the transferred Subjects he was told by the Governor that the law laid only individual responsibility on the Ministers.

He then stated that the Civil Service by having all the plumes of office like Governorships and Govt. memberships retarded the advance towards responsible Government. He was then examined at length on the point as well as on the Meston Award which was strongly opposed.

### Evidence of Mr. Chintamani

On the 18th August Mr C Y Chintamani, ex-Minister of the U P was examined by the Reforms Enquiry Committee. The memorandum he had supplied to the Committee dealt mainly with the working of the Reforms Act in the U P from January 1921 to May 1923, during which period he was Minister and afterwards resigned, accompanied by Pandit Jagat Naram, his colleague. The conclusions he arrives at are also mainly those expressed before the committee previously by a few other ex-Ministers, namely the abolition of unworkable dyarchy, the grant of full provincial autonomy and responsibility in the Central Government except in regard to foreign and military departments.

#### SIR H BUTLER'S EARLY POLICY

Mr Chintamani's examination of the working of dyarchy was very critical and was supported by innumerable instances in every branch of the departments of which he was in charge. He said "At the outset Sir Harcourt Butler avowed publicly and privately his intention to conduct his Government as a unitary government. He had been most strongly opposed to the dyarchical system and held the firm conviction that it would not and could not work smoothly and satisfactorily. It was due to this that the Ministers did not press beyond a certain point their suggestions of larger amendments in the rules of executive business as they would have emphasised the dyarchical nature of the Government. Nothing was left that could be desired in the openness and cordiality of the Finance Member. Ministers felt at that time that they had an ideal chief and an ideal colleague to act with.

#### MINISTERS' "EMBARRASSING AND THANKLESS" POSITION

"But it was some time later that the Ministers found out that they were not being taken into confidence on all subjects, for instance, there were differences over the Oudh Rent Bill in which the Ministers' views did not prevail in 1922. The Ministers were not consulted nor informed about the reference from the Government of India on the question of arms rules. The Ministers also discovered that the decisions reached at the meetings of the whole Government were not carried into effect in all cases, that they were taken into confidence and consulted at certain stages of a subject but dropped out at later stages and that some times they were never consulted nor informed. In a word the whole spirit of the Government underwent a disagreeable transformation." The varying attitude of the Governor, Sir Harcourt Butler, towards the Districts Boards Bill, in charge of Pandit Jagat Naram, at successive stages of its progress through the Legislative Council and the difficulties Ministers had to surmount on this account illustrated quite well, says Mr Chintamani, the embarrassing and thankless position of the Ministers in the present system.

With the advent of the new Governor, Sir William Marris, another change came over the situation. Weekly meetings of the whole Government ended in quarterly meetings and during the four and a half months of the Ministers being colleagues of Sir William Marris, they saw no subject of any great consequence considered at such meetings. Indeed it was dyarchy all over. The rightful position of the Ministers being masters in their own household had not been secured to them, and the manner in which the system worked was entirely what the Governor made it.

Mr Chintamani next complained against the existence of the power vested in the Governor-General in Council to control the transferred subjects and urged the rules under Sec 45 A (3) of the Act should be revised. Then, as the Finance Department is common to the whole Government, it should have been left to the Governor as to which of his colleagues should be placed in charge of that department. But rule 36 (A) as it stands is a reflection, said Mr Chintamani, on the Ministers and it gives an unfair and initial advantage to the Governor-in-Council and the reserved subjects over the Ministers and transferred subjects. In fact this rule had operated to the disadvantage of the Ministers.

After therefore reiterating his strong protest against Rule 36, the memorandum refers to financial stringency and said that although Ministers reduced their expenditure to the irreducible minimum, in view of the financial stringency, it was not so in case of the reserved departments. If, however, he, Mr Chintamani and Pandit Jagat Narain ultimately gained their points in part, it was more than once at the point of resignation. Not a pie of new expenditure could be incurred by the Ministers without the approval of the Finance Member. He, Mr Chintamani, suggested to Sir Harcourt Butler in 1922 that every proposal of new expenditure in any department exceeding amounts that His Excellency might fix for recurring and non-recurring expenditure might be circulated to all the four members of Government and where there was a disagreement of opinion might be considered at a meeting of the whole Government. But the Governor did not agree even to supply information to the Ministers.

#### OFFICIAL CANVASSING AGAINST MINISTERS

The memorandum dealt with the Legislative Department and the Legislative Council. First of all, Mr Chintamani pointed out that the Ministers were after the first year not consulted re the dates of Council meetings. No dyarchical distinction was observed during the first year which was a period of goodwill and confidence. But the change after that went so far that on one occasion, so important as to be critical to the Ministers, the Finance Member sprung a surprise upon the Ministers by actually speaking in Council against the position taken up by them—a position in which the Governor and the Finance Member had both assented earlier. And in connection with the same measure, there was even active canvassing against the Ministers' position and, what more the Secretary in charge of the very department, to which the bill related, moved an amendment which the Minister had to repudiate and which subsequently the same Secretary withdrew saying, "at the request of the Minister."

The Governor, the memorandum said, should not have the power to disallow resolutions or motions of adjournment. It must be entirely the business of the President. The Governor should be either a constitutional Governor or he should not be protected from criticism in the Council.

Mr Chintamani next objected to the presence in the Legislative Council of nominated official members, although they form a small minority, because as non-official members were rarely present in full strength, official votes not infrequently determined the result of a division. Moreover, freedom of vote, which should be theirs, was seldom accorded to them and the voting was ordinarily by mandate. "If the Ministers were of one opinion and the Governor-in-Council of another, the nominated official members had all to vote with the latter, including those serving in the Ministers' departments even when the subject happened to be a transferred one. Such things do not promote discipline and do not enhance the position of Ministers."

Mr Chintamani's conclusion was that "there should be no nominated official members with the exception of the Government Advocate and there should be as



many Council Secretaries as there were members of Government selected from among the elected members to assist and relieve them in the Legislative Council. This would carry with it the further advantage of providing a supply of trained men to be later selected as Members of Government."

The memorandum next urged that in the nomination of members to the Finance, Public Accounts and Publicity Committees, the Governor should consult not only his reserved but also his transferred department colleagues.

The memorandum also urged that the number of members for depressed classes be raised from one to three and the allotment of a seat to factory labourers.

Mr Chintamani urged the removal of the provision which required the previous sanction of the Governor-General to the consideration of certain classes of legislation and the insertion in its place of a provision which retained only so much of it as empowered the Governor or the Governor-General to return a Bill for further consideration in whole or in part.

#### PUBLIC SERVICES COMMISSION PROTESTED AGAINST

Mr Chintamani next devoted seven pages to the position of Ministers and the Services here. He gave several instances where he could not do anything according to his own desires or the declared wish of the Legislative Council. Proceeding, Mr Chintamani opposed the constitution of a statutory Public Service Commission under the control of the Central Government, because such a body for the whole of India was inconsistent with autonomous and responsible Government in the Provinces. Instead Mr Chintamani referred to the constitution in the province itself of selection committees *ad hoc*, but if a statutory Public Services Commission was preferred by any Local Government, then it could have it, provided the Legislative Council in the Province agreed.

Local Governments should have also power to make their own arrangements for the purchase of all stores required.

Mr Chintamani then referred to a series of instances pointing out the difficulties experienced in practically every branch of the administration owing to the division of subjects into reserved and transferred when as a matter of fact they could not be divided into water-tight compartments. He concluded this part of the memorandum by reminding that these instances furnish a sufficient commentary on dyarchical constitution under which apparently camels can be swallowed but goats must be strangled.

#### "ONLY ONE PATH OPEN"

The conclusions he arrived at in regard to the Provincial Governments as mentioned in the memorandum were that the present constitution has not worked even tolerably satisfactorily as was hoped by its advocates or by those Indians like himself. The system had proved unworkable without grave misunderstanding and frequent friction and unpleasantness which were detrimental to efficient administration and good Government. There was no point in leaving it wholly or very much as it is because ten years have not elapsed since it was brought into being. Legislative enactments were meant to be instruments of good Government for the benefit of the people and not fetishes to be worshipped. The present Act had been tried and found wanting and it had failed to bring a degree of satisfaction to the national consciousness of educated India. There was only one path open and that was that the Provincial Governments should be transformed into fully Responsible Governments. Inclusion of more subjects in the transferred group and the amendment of some of the rules would be no solution. The Governor's excessive discretionary powers must be curtailed and he should be the constitutional Governor in the relation to the Ministry from a cabinet with collective responsibility. Exception can be in the case of agency subjects which may be administered direct by the Governor with the assistance of a Secretary or the Government of India may make other arrangements. The guaranteed rights of officers of the All India Services should be respected and their proved grievances redressed with due regard to the financial position of the Central and Provincial Governments and in the interests of tax-payers. But future recruitment should be on a provincial basis by means of competitive examinations. There should be no statutory Public Services Commission until the Government

is made responsible to the Legislature. All legislation by the central Legislature in relation to a provincial subject should be done away with and provincial Governments should be relieved of contribution to the Government of India.

On the memorandum Mr Chintamani was examined for three hours by the President. Replying to a question about the Governor's relation he said, "We, Ministers, were prepared to work strictly dyarchical system of Government, but not a semi-demi-unitary dyarchical Government."

On August 19th the evidence of Mr Chintamani was concluded after an examination of over two hours.

Replying to Sir Sivaswamy Iyer, witness said that rules of executive business were not in conformity with the spirit of the Act, because they took away from the Minister the right of independence which should be his and had brought in the necessity of the Governor's sanction, concurrence, or control at almost every step. The new Governor (Sir William Marris) even wanted to go back upon these rules to the disadvantage of the Minister. He, the witness, did not make any specific complaint to the Governor but made general complaints on this matter more than once. Since Sir William Marris came to the United Provinces the practice of joint deliberation which had existed for some time during the regime of Sir Harcourt Butler had been limited to subjects of common interest to both halves of the Government. Whether this was in accordance with the spirit of the Act or of the Instrument of Instructions, he (the witness) could not say, but it was certainly not in accordance with the Report of the Joint Committee. There had been only very few instances in which Ministers had joint consultations with the Governor. But there was nothing in the Act to prevent the joint responsibility of the Ministers.

Sir Sivaswamy: You state that you were not consulted in regard to the memorandum prepared by the Local Government for the Military Requirements Committee. Will you explain the situation?

Mr Chintamani: Yes. We were not consulted. We Ministers protested, and were told that the Memorandum was required from the Governor. The Finance Member who gave evidence before the Committee also stated he was giving evidence on behalf of the Governor in his personal capacity.

Sir Sivaswamy: You also say the same thing in connection with differences over the Oudh Rent Bill. Did you protest also here?

Witness: But matters had gone so far that a protest was not considered to be of any use.

Proceeding, the witness said that his complaint was that Ministers were not consulted by the other half. He was, however, never keen on poking his nose in his colleague's matters. The Finance Department did act unfairly towards his (witness's) department. For instance, after making a cut of several lakhs in the Budget in 1922 he was still forced to surrender two lakhs from the educational grant. He could only avert this by insisting on resignation, and a system wherein members were able to avert a catastrophe by threats of resignations was not a sound one.

Sir Sivaswamy: You said that the Finance Member shows unconscious bias towards your department.

Witness: I should even say that in one case there was conscious bias. I may point out that in insisting on a very substantial reduction of money for primary education he argued that it was a deliberate waste of money.

Maharajah of Burdwan: And that was a case in which the Finance Member openly opposed the Ministers' policies? Mr Chintamani: Yes.

Sir Sivaswamy: You say then there is an incurable propensity to encroach upon the sphere of the Ministers? Witness: Exactly.

Sir Sivaswamy: And your remedy is a constitutional Governor.

Witness: The incurable bias of the Finance Member cannot be cured by a constitutional Governor. But a Minister can at least have greater remedies in that case.

Sir Sivaswamy: Suppose we have a Finance Member without charge of any

portfolio Witness. That would be a complete remedy. At the same time as he will have no other work it will be a costly remedy (Laughter)

To Sir Sivaswamy Iyer witness said he had heard complaints that the reserved departments suffered because of the distribution of finance. The Police Department was said to have suffered. When new expenditure was not sanctioned by the Legislative Council, the refusal of the Legislative Council to a part of the new expenditure was in his opinion perfectly justified. Then again, the Council was justified in refusing sums required for the appointment of an additional Inspector-General of Police and for the purchase of motor lorries and a number of other conveyances or conveniences, whichever they might call them, in order to increase the mobility of the Police.

President Had you seen the papers of the reserved departments on this point?

Witness I only heard a discussion in the Legislative Council. The proposal was first put up before the Legislative Council in regard to the purchase of motor lorries as a matter of temporary emergency and the Council was told that it would not be an item of recurring expenditure and the Council sanctioned it. But afterwards the Government wanted to make the expenditure permanent and also increased the amount as a permanent arrangement.

Sir Sivaswamy It is true that money was freely given to comparatively less urgent needs.

Witness I don't know except so far as the obligation to keep on a number of Imperial Service officers went.

President Would you dismiss these Imperial Service officers?

Witness I would not dismiss them. But where an officer was considered to be superfluous and where there was a substantive vacancy by retirement of that officer, the Local Government should have abolished the post or at least appointed a member of the Provincial Service.

Continuing, Mr Chintamani said that he was opposed to the appointment of a Statutory Public Services Commission so long as the Central Government was not made responsible to the Central Legislature, because it would perpetuate the control of the Secretary of State and in an indirect way his object to it would be much less if the Secretary of State's control was transferred to the Government of India. The introduction of complete responsibility in the Province would in consequence lead to a highly organised party system.

Sir Sivaswamy What, in your opinion, are the incurable and unavoidable defects in dyarchy?

Witness. There can be no commonness of purpose or interests. It will not be a cohesive Government consisting of individuals with the same political opinions or policies. It will not be a Government every member of which will be equally interested in the successes of the whole Government. There would be sectional interests playing, the Ministers not caring for reserved side and *vice versa*.

Sir Sivaswamy Do you think that the defects you have brought out in the memorandum can be cured by a change in the Rules or, are they incurable?

Mr. Chintamani They are curable in minor parts, but the principal vice of the system is incurable so long as the system itself is not ended. The vice I refer to is that there can be no common purpose in the Government.

Sir Sivaswamy Would you favour a system of uneven advance in the Provinces? Witness No.

Sir Sivaswamy Suppose, for instance, in certain Provinces all subjects are transferred and in the other Provinces only a few more are transferred.

Witness I would not make that difference.

Replying to Sir Arthur Froom, Mr Chintamani said the effect of the education policy that was pursued by the U P Government from 1914-18 was to retard its progress. It was in this way discouraging private-aided schools and the substitution of District Board schools and yet restricting the number of the District Board schools on the supposed plea of quality and efficiency.

He did not approve of the Government of India Act. This was his view as a Minister and a public man in U P and with some little acquaintance in the rest of the provinces. The trial given to dyarchy, although lasted for three and a half years, was quite sufficient and it need not be given further trial.

Sir Arthur Froom —You were a witness before the Joint Parliamentary Committee. Which of your views were adopted?

Witness. The only view which was accepted was that the salary of the Governor of the U P should be increased. My idea in increasing the salary was to induce public men from England for the post. The increase was given but the object of the increase has not been achieved as you all know. (Laughter)

Sir Arthur Froom. When you were selected a Minister you joined the Government with every hope of making the new constitution a success?

Witness. Hope tempered by fear. (Laughter)

Sir Arthur. During your ministership considerable progress was made?

Witness. At all events we were moving in the right direction. Unfortunately that movement in the right direction was not maintained after the first year.

Sir Arthur. You don't like dyarchy after the experience you have had?

Witness. No, I don't like it.

Sir Arthur. How many members of your Legislative Council dislike dyarchy?

Witness. —Almost to a man.

Sir Arthur. —Do all the members of your Legislative Council understand the meaning of dyarchy? Witness. —Nearly all.

Replying to D<sup>r</sup> Paranjpye, Mr Chintamani said that the dissatisfaction against dyarchy had grown so deep that small alterations here and there in the rules would not meet the situation. Council Secretaries, if appointed, should be spokesman of the decisions of the Government. He did not want any member of the bureaucracy in the Legislative Council except members of Government and the Government Advocate. The officials were out of place as members of the Legislative Council.

D<sup>r</sup> Paranjpye. —But how often had you to depend on official votes for carrying through your proposals in the Council?

Witness. —Both Pandit Jagat Narain and myself made it a rule that whenever there was an important matter and if we were able to succeed in the Legislative Council on the strength of official members' votes that we should treat it as a defeat and go out of office.

Continuing, witness told Dr Paranjpye that the constitution of the Legislative Council was such that there were sufficient checks in it against hasty legislation and there was therefore no need for a second chamber in the province. The necessity of a second chamber might be felt if the present legislature was differently constituted. The Legislative Council should be given power to criticise the Governor for his actions so long as he gets powers which he now exercised.

The President then asked whether in that case the Governor should not be a member of the Legislature.

Mr Chintamani had no objection to the Governor being a member.

In conclusion, Mr Chintamani gave to D<sup>r</sup> Paranjpye an instance of the Government of India's interference in the matter of the appointment of a Superintending Engineer by the Local Government. In this a certain officer was appointed by the local Government, but there was another officer who thought that the appointment should have gone to him. He petitioned to the Governor who rejected the petition. In the same petition he also stated that unless the promotion was given to him, he would retire on proportionate pension. He complained that he had been superseded although the officer selected was eleven years senior to him. (Laughter) He appealed to the Government of India who referred the case to the local Government asking them to furnish the fullest information on the subject including the confidential reports about these two

officers in original, so that they might test the accuracy of our conclusions. The local Government entered a mild form of protest at not being trusted even in regard to the accuracy of the summary of facts. Then the Government of India issued a circular letter to all local Governments that a certain local Government had been found to be transgressing the orders of the Secretary of State in the matter of the appointment of Superintending Engineers, that grave discretion had not been exercised in the matter of selection and that they should be more strictly bound by the orders of the Secretary of State. Subsequently, after two months, the Government of India replied that they would not interfere with the orders of the Secretary of State.

Replying to Mr. Jinnah, witness said that under the Act the Governor was practically supreme and he, as a Minister, could not introduce any kind of measure without his permission. Witness had been told by the late Secretary of State, (Mr. Montagu), that there was nothing to prevent an enquiry being held before the statutory period of ten years.

My main objections against dyarchy, said Mr. Chintamani to Mr. Jinnah, are that the Governor is not constitutional, there are practical difficulties in its working and there are fundamental differences as to the angle of vision between the bureaucracy and the Ministers.

Mr. Jinnah. Is it possible to continue dyarchy if you allow the Governor to be a constitutional Governor?

Mr. Chintamani. There cannot be complete responsibility. The Governor is an ICS man and his angle of vision is different from yours.

Mr. Jinnah. And this resulted in your resignation?

Mr. Chintamani. I agree.

Mr. Jinnah. What is your remedy for dyarchy?

Mr. Chintamani. Either full responsibility or a reversion to the old system of Government.

As regards the Central Government witness had made the following observations in his memorandum: "The present constitution of the central Government is defective and its position in relation to the Legislative Assembly is untenable and may any day become impossible. A change can only be effected by a revision of the constitution by amendment of the Act. Provincial Governments responsible to their legislatures, the Central Government virtually autocratic and answerable to an authority neither in nor of the country, a Secretary of State who is a member of the British Cabinet and responsible to the British Parliament, which is equally ignorant of and indifferent to Indian affairs, this will be a strange combination which cannot make for good Government and cannot endure. The civil govt. the country should be in charge of a Cabinet of six or more Ministers enjoying the confidence of and responsible to the Legislative Assembly. The relations of the Governor-General to the Ministers will be those of the head of a constitutional or Parliamentary State to Ministers. The Governor-General assisted by the C-in-C and a small Secretariat was to have control over and be responsible to the British Parliament through the Secretary of State for India for foreign and political and military departments subject to certain reservations including that the Legislative Assembly should vote in usual form any demand more than a certain fixed sum which however should not become to be voted. If the Legislative Assembly were to refuse that demand in excess of the specified sum then the Governor General might make the same or a smaller demand for a grant in the Council of State and such sum as that body might vote may be spent in addition to the non-votable amount. Section 22 of the Act should be amended as to transfer to the Indian Legislature the power now vested in Parliament of sanctioning expenditure out of the revenues of India of expenses of military operations on the Frontier."

On being questioned by Mr. Jinnah Mr. Chintamani said that it appeared to him that the civilian members of the Executive Council had almost next to no voice in the determination of Army matters.

Sir Alexander Muddiman. You are wrong.

Mr. Jinnah. Do we hear that voice?

Mr. Chintamani (Laughter) At all events we have not felt the effect of that voice

### Mr Pradhan's Memorandum

Mr Pradhan, M L C, Bombay, was next examined by the Committee. In his memorandum he stated that the scope of the enquiry was narrow and what was wanted was the appointment of a Royal Commission to investigate the whole problem of further constitutional advance. The possibility of transferring additional subjects to popular control before the expiry of the ten years' period was not excluded by the authors of the Joint Report. Non-official members of the Legislative Council of Bombay, meeting as a committee to consider the question of reserved and transferred subjects in October, 1918, urged that full responsible Government should be introduced in the Bombay Presidency from the very beginning. Among the members then were Dr Paranjpye, Hon Mr C V Mehta and Mr P C Sethna. The reforms had not been worked fully, inasmuch as *inter alia* Council Secretaries had not been appointed, joint Financial Secretaries had not been appointed, Standing Committees had not been appointed, and the principle of joint responsibility was not observed in the administration of the transferred departments. Mr Pradhan suggested that all provincial subjects should be transferred to Ministers and such a step he hoped would lead to the co-operation of all parties with Government in legislatures in working the Reforms. As the nation-building departments had had no money in the provinces, Mr Pradhan suggested a substantial reduction in the provincial contributions to the Central Government and in the case of Bombay, the local Government, he says, ought to be given a share of the income-tax collected in the provinces. Services in the transferred departments should be completely Indianised and Ministers should have full control over them. The reservation of seats for Mahrattas and allied castes should be abandoned. Official members should be debarred from voting on questions relating to the transferred departments. Franchise should be extended so as to include those who possess a certain literary qualification. In the Central Government the majority of the members of the Executive Council should be Indians appointed from among the elected members of the Legislature, that they should regard themselves responsible to the Legislature in practice if not in theory, and should resign in case of serious disagreement with the legislature, the control of the Secretary of State should be relaxed and Standing Committees should be appointed.

Replying to the President, witness said that one inherent defect of dyarchy was that it was against human nature. The Government must be one organic whole and under dyarchy there could not be genuine responsible Government even as regards transferred departments. The principle of joint responsibility was not carried in Bombay, because when he questioned the Government in the Legislative Council on this point he was furnished with a reply practically saying that there was no such principle observed. If provincial contributions were to be reduced then the Government of India must balance its budget by tapping additional sources of taxation for which they must appoint an expert Committee in order to suggest ways and means.

He would not reserve seats for Mahrattas and other allied castes because there was a good deal of progress made by them during recent years and they were now so much organised that there was no necessity for reservation.

### The Punjab Muslim League.

On the 20th August Mr BARKAT ALI was examined on behalf of the Punjab Muslim League. In its memorandum the League opined that advance is possible only by amending the Act and that advance within the Act was possible only in the sphere of Provincial Governments. The changes in the Provinces should be the transfer of subjects, disappearance of the official block from the Councils, the appointment of Parliamentary Under-Secretaries and full control of Ministers over the Services.

The League would not put any legal restrictions on the Governor's power of intervention but advocated the establishment of the convention that the Governor must be guided by the advice of his Ministers unless they were not supported by the legislature and did not enjoy the confidence of the people, which latter could be tested by the dissolution of the Council. The League held that as full provincial autonomy and irresponsible Central Government cannot co-exist, responsibility should also be introduced in the Central Government with the exception of subjects relating to defence, naval and military works and cantonments, external relations including naturalisation of aliens and pilgrimages beyond India, relations with States in India and political charges. The League also advocated the abolition of the Secretary of State's India Council. In the end, the memorandum quoted the resolution of the All-India Muslim League passed at its last session at Lahore and opined that any constitutional advance that might ultimately be agreed upon must give effect to the essential provisions of the resolution of the League on the question of Swaraj.

Mr BARKAT ALI was then examined in detail.

The President asked whether the witness held that the Muslims would not accept any scheme which did not satisfy the demands enumerated in the resolution passed by the last session of the League. The witness said that was so. The demands referred to by the President included the proposals that no territorial redistribution should in any way affect the Muslim majority of population in Bengal and N. W. F. that the right of full religious liberty must be granted, and the idea of joint electorates is not acceptable to the Muslims, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

Mr Barkat Ali, replying to a series of questions of Sir Mahomed Shah, agreed that the majority of agriculturists in the Punjab were Mahomedans, that the interests of the Mahomedan as well as Hindu and Sikh agriculturists were identical, that towns having a population of over 20,000 were very few in the Punjab and that, except in the case of big towns, there was no communal bitterness. He also stated that in towns communal quarrel was due to fight for the loaves and fishes of office.

Sir Mahomed Shah asked whether the Land Alienation Act had not the support of Hindu and Sikh agriculturists. Witness said that was so.

Sir Mahomed Shah suggested that the Hindu possessed such a wonderful capacity for adapting themselves to changing conditions that they took to English education before the Muslims, and that Muslims took to English education only after Sir Said Ahmed started his movement, and that the Punjab greatly responded to his call with a large number of schools, and that till this movement took strength Government posts were practically monopolised by the Hindus, and that the Mahomedans naturally desired their share in various administrative services and that the Hindus representing vested interests opposed this claim. Witness agreed to all this.

Questioned further, Mr Barkat Ali replied that the urban quarrel would be temporary and that soon both communities would adjust themselves to reasonable propositions.

Sir Mahomed Shah observed that the passing of the Land Alienation Act was represented by urban Hindus as designed in the interest of the Mahomedan agriculturists, while as a matter of fact the opposition was between agricultural versus non-agricultural classes. Sir Mahomed added that since three or four years another cause of trouble had been created by the Shuddhi movement, as a counter movement to which the Mahomedan started Tablig movement. Mr Barkat Ali again agreed.

In reply to another question of the Law Member, the witness replied that the League's goal was responsible and representative Government, that while territorial electorates might secure that object in the case of homogenous communities, it was essential in the case of India to have communal electorates.

Sir Mahomed Shah instanced the case of Ireland, where because of Protestant and Catholic differences between North and South, two Governments had to be established there. Continuing, Sir Mahomed reminded the witness of the

1909 elections to the Punjab legislature when the electorate was mixed. Then he said from the three constituencies of Lahore, Hindus and Mahomedans opposed each other and that contest was really fought on a communal basis rather than on political issues. Therefore a mixed electorate would provide periodically recurring causes of friction between the two communities.

Mr Barkat Ali agreed with Sir Mahomed Shafi and replying to questions about the position in the Punjab Legislative Council he said that voting in the Council had never taken a communal line and that in fact prominent Mahomedans had joined with prominent Hindus in opposing the policy of the Mahomedan Minister and that some Hindus on the other hand had supported Mr Fazli Hussain.

Sir Mahomed Shah next asked witness about the relations between the first two Ministers, namely Mr Harkishen Lal and Mr Fazli Hussain.

Mr Barkat Ali said they were very cordial. Both belonged to the Congress before taking up office and during three years Lala Harkishen Lal voted with Mr Fazli Hussain in support of his policy. As a matter of fact some Hindus were angry with the Lala for supporting his Mahomedan colleague. Witness knew for the first time by reading Mr Harkishen Lal's evidence that there was disagreement between the two Ministers.

Mr Jinnah asked whether witness had any authority for stating that Mr Harkishen Lal supported Mr Fazli Hussain.

Witness: The fact that he did not resign proved that. If they could not agree how could they carry on so long?

#### THE LUCKNOW PACT

Replying to Sir Mahomed Shah, Mr Barkat Ali said he was a party to the conclusion of the Congress League Compact at Lucknow. The objection put forward by Muslims in the Punjab was that although the compact granted them 50 per cent representation in the Punjab they actually did not get it, because special constituencies returned Hindus from the constituencies of landlord, University and Industrial interests.

Sir Mahomed: So your complaint is that the Muslim community although it represents 55 per cent of the population in the Punjab, has not even got the 50 per cent seats agreed to in the compact?

Witness: Yes.

Mr Jinnah: But, that is not the fault of the Hindus. Your grievance is against the Rules. Witness: That is so.

Sir Mahomed: What is your solution? Witness: In no instance should a majority be reduced to a minority or even equality.

Sir Mahomed next referred to that part of the League's resolution where it bodily reproduced the condition in the Lucknow Compact that when two-thirds of the members of any community opposed a particular legislation it should not be passed. Sir Mahomed said this was also one of the essential conditions of the Lucknow Compact. He asked whether the witness considered it was just and fair that this provision should have been omitted when framing the existing constitution.

Witness said it should not have been omitted.

Replying to Sir Arthur, who next examined him, Mr Barkat Ali said Mr Harkishen Lal in opposing communal representation did not reflect the better mind of the Hindus of the Punjab and might be included among the diehards.

Sir Arthur recalling the witness's statement about the dispute among the Hindus and Mahomedans in urban areas asked whether the grant of provincial autonomy would not aggravate those disputes. Witness did not agree. He thought these were temporary and would be soon adjusted when there was collaboration between Ministers at the top and co-operation between the two communities in the legislature under the system of responsible Government. Sir Arthur pointed to Mr Harkishen Lal's statement that there was no collaboration between the two Ministers.

Sir Arthur further referring to the allusion made by Sir Mahomed to Ireland



asked whether Sir Mahomed suggested that the Punjab be divided between the Hindus and the Muslim populations (Laughter)

Sir Mahomed explained that he pointed out that because of communal differences special measures had to be taken

Sir Arthur asked witness whether he considered dyarchy had done its purpose. Mr Barkat Ali replied that it had proved the capacity of Ministers and of the Legislative Council and had shown that the Indian electorates were intelligent and could send proper representatives

Sir Arthur suggested that the description of the witness of the Government of India as entirely irresponsible was not right, because in many cases the Government had accepted the Assembly's opinions in preference to its own. Witness replied that such things happened also in pre-reform days

#### WHY "DEFENCE" TO BE RESERVED

Questioned further by Sir Arthur, witness said he proposed to reserve defence out of regard to British sentiment only

Sir Arthur Is it not in regard to the safety of your frontier? Witness, No

Sir Arthur You think the Punjab will be saved if the British gave up defence. I can understand a man from Madras making such a statement, but not from the Punjab. Witness Punjab is the recruiting ground

Sir Arthur Yes, I know that. But I am talking of the administration of the army. Will you exempt army budget from the vote of the Assembly?

Witness Yes, I will

On the question of defence, witness replying to Mr Jinnah stated that India was ready to take up the defence of the country and that he was agreeing to reserve it only to meet British sentiment

Mr Jinnah Do you mean that immediately you can produce a Commander-in-Chief, Commanders, Colonels and others?

Witness Oh! No. There must be training

Mr Jinnah—So what you want is immediate attention being given on the proper training

Witness Of course. People of this country were deprived of arms by the British Government and thereby emasculated and demoralised

Witness But you don't mean to suggest that training is not required

Witness No, there must be training

Mr Jinnah—How many years' training you think would suffice?

Witness—Ten years

President—Ten years? Witness—Certainly

As for the point whether ten years were very much in the life of a nation Mr Jinnah said they were not. But asked that the present constitution was a rotten constitution, was it not? Witness did not follow the question. Mr Jinnah then instanced the following, I give you a knife and tell you that I won't give another for the next six years. Supposing the first time you use it its edge is broken and then you are asked to sharpen it

But you can't sharpen a knife when its edge itself is broken (laughter)

Would you agree to such a position?

Witness—No, I won't

Questioned further by Mr Jinnah, witness said both Hindus and Mahomedans of the Punjab were agreed in demanding the measure of advance proposed by him.

Replying to Sir Henry Moncreiff Smith, witness said that personally he objected to the appointment of Council Secretaries who were largely the whips of the Ministers. There was nothing in the Act to prevent the appointment of Council Secretaries who would perform the function of Parliamentary Under-Secretaries. The Finance Department should be independent of both sides of the Government

### Memo of the Deccan Sabha

Next day the evidence of Mr B S Kamat was taken up on behalf of the Deccan Sabha, Poona, of which he is Vice-president. The memorandum submitted by the Sabha was more or less on the lines of that of several previous witnesses, the main demand being complete provincial autonomy and transfer of all subjects in the Central Government except defence and foreign and political relations.

In regard to 'the difficulties arising from or defects inherent in the working of the Act and the Rules thereunder,' the Sabha says that the working of the Act has disclosed not only minor imperfections but some serious structural defects. These involve not only minor repairs to the political machine, but structural alterations. If the existence of substantial defects is demonstrated by the present enquiry, then the Sabha wants the Government to urge a remodelling of the Act irrespective of the statutory period of ten years.

The Sabha objects to the rigid control of the Secretary of State over the whole field of Indian administration and points out that during the last 3 years and more the Government of India, although willing to meet the demands of popular representatives in a liberal spirit, were presumably pulled up by the Secretary of State. Unless the Secretary of State's control is relaxed so as to give the largest measure of independence to the Government of India, there would be greater impediments to good administration.

The time has also arrived when the Act should be amended enabling the Government of India to manage their own financial operations in England through the High Commissioner and not necessarily through the Bank of England, subject however to such moneys as may be prescribed being reserved in the hands of the Secretary of State to meet his obligations. Non-votable items of the budget should be clearly defined and then category cut down to the lowest limits. The certification powers of the Governor-General should be restricted to safety and tranquility and not extend to 'the interests of British India.' The introduction of responsibility in the Central Government is necessary to avoid an 'impasse' in the administration; otherwise, there will be continuous warfare with an obstructive majority kept at bay till 1929 by the Governor-General's extraordinary powers. Expenditure on defence and political relations should remain votable subject to the Governor-General's powers of restoration.

As regards Provinces, the Sabha points out the division of subjects as an inherent defect and also observes that the responsibility of Ministers to the legislature has been affected in practice by the presence of official members and the communal character of representatives. Communal electorates should continue only for a few years. The Sabha emphasises joint deliberation and collective responsibility of Ministers.

### Evidence of Mr Jamnadas Dwarkadas

On August 25th Mr Kamat and another Bombay liberal, Mr Jamnadas Dwarkadas, were examined by the Committee.

Mr Jamnadas summed up the position very clearly and frankly when he said, "On account of the Non-co-operation movement of Mahatma Gandhi, the Government co-operated with us and showed goodwill in the first year of the Legislative Assembly. But, when the movement began to wane, the Government became less and less responsible and more autocratic till at last in 1923, the autocracy of the Central Government was seen in its nakedness by the Governor-General's certification of the salt-tax and the restoration of grants reasonably rejected by the Legislative Assembly."

Mr Kamat said that in September 1921 Mr Majumdar's resolution on autonomy was moved showing clearly that the Assembly was not satisfied with the constitutional position and the Government, then anxious to rally the

Moderates in combating the non-cooperation movement, went to the length of agreeing with the Assembly that the circumstances warranted an earlier examination of the constitution than the year fixed by the Act. But soon after Mr Gandhi's imprisonment and the exit of Mr Montagu, the Conservative party (Lords Peel and Winterton) stepped in and told the Assembly in reply that it must explore the very elastic constitution of the Act. The members knew that the Secretary of State was not sincere and to put the official mind to test Dr Gour moved a resolution asking the Government to make rules or establish conventions so as to explore the constitution as was advised by Lord Peel. This resolution was supported by eminent lawyers in the Assembly not because they had any doubt about the legal difficulties, but merely with the political objective of testing the Government's professions. Out came Sir Malcolm Hailey with a true representation of the position, namely, that the Secretary of State could never divest himself of his control unless the Act was revised. This is precisely the constitutional position, but Sir Muhammad Shafi again attempted to put an interpretation upon the support to the resolution given by Mr Rangachariar and other lawyer members of the Assembly. He implied that Sir Malcolm Hailey's reading of the law was wrong. Of course, the Law Member kept silent when Sir Malcolm was enunciating his interpretation of the Act in the Assembly.

Mr Jinnadas, however, found himself on the horns of a dilemma as a result of two counter-questions of Sir Alexander Muddiman and Mr Jinnah. The former asked: If the Secretary of State's control over Simla could be relaxed but the Assembly's power was not in the least increased, would that be acceptable to witness in preference to the existing system? Mr Jinnadas realised that this might mean that the Government of India being responsible to nobody would be more autocratic than before and that was dangerous. But then, pointed out Mr Jinnah, Simla being always faced with the reality would be more amenable to popular wishes than the autocrat living six thousand miles away. Therefore if only the control of the Secretary of State was relaxed and nothing else was done, even then there would be some improvement on the existing position. Witness agreed with this proposition as well, but Mr Jinnadas' main position was that nothing short of introduction of responsibility was required. He told Mr. Jinnah that the boycott of the first elections by the Congress gave the best possible chance to the reforms to work under the most favourable conditions, but that even then the constitution failed within three years. The Government, he bitterly complained, gave the co-operators in the Assembly a parting kick by certifying the salt tax. He thought that the Assembly was so reasonable that the Government should not have gone back upon any of its recommendations. On the other hand the Secretary of State imposed his authority by appointing the Lee Commission and by scrapping the Assembly's recommendations on the Esher Report. Then, again, when the Assembly rejected the enhancement of excise duty on cotton goods, the Secretary of State's telegrams poured in pressing the Viceroy to remove the counter-duty on British cotton goods. The Maharaja of Burdwan asked as to how Mr Jinnadas came to know of these telegrams. Witness was prepared to substantiate his charge because the Government had taken certain members of the Assembly into confidence, but the President cut short the proceedings by asking him not to disclose further secrets of Whitehall control. The President said these were all major points, could witness prove his statement that Whitehall interfered even in the minor details? Mr Jinnadas readily pointed to a statement in the Inchcape Report showing that in the case of a subordinate officer of the Railway department six months' correspondence took place between Simla and the India Office. The President was thus silenced.

Mr Jinnah asked Mr Jinnadas' opinion about the electorate. He frankly told the Committee that the electorate was very intelligent and his own defeat was its proof. As a matter of fact, he said, after the manner the Government let them down they could not expect to be returned. They had entered the Assembly with high hopes but were soon disillusioned about the official mind. Sir Sivaswamy tried to show that the first Assembly did good work and that it had power though no responsibility and that witness did not subscribe to the Swarajist description of the powers of the Councils. Mr Jinnadas hesitated at first but agreed with Sir Sivaswamy that the first Assembly did some good work.

### Mrs. Deep Narayam Singh

On August 26th an interesting case was presented to the Committee by Mrs Deep Narayan Singh, representing the Woman's League. She presented the memorandum of her league and was examined by the President for some ten minutes.

He told Mrs Deep Narain Singh that she should get women's associations all over India to send in their written representations to the Committee and also to conduct propaganda to move the local legislatures to grant them the right of vote where they did not possess it at present. Mrs Deep Narain forcefully advocated that the right of vote must carry with it the right to stand as candidates for various legislatures and that the absence of this right was not only anomalous but essentially unjust. The President thought himself called upon to point out the difficulty of the *Purdah* system in India and how it would be difficult for *Purdah* Women to canvas for votes. Mrs Deep Narain Singh urged that ordinarily no *Purdah* women would stand as a candidate but if she did and was returned she would sit in the Council in *Purdah*. Was not, she argued, the Begum of Bhopal carrying on her manifold activities without discarding *Purdah*? Witness painted a little over-sanguine picture when she attempted to reinforce her claim on the basis of free exercise of votes by women in the last election. Sir Alexander Muddiman observed that the election returns showed that this was the case only in non-Mahomedan urban constituencies while the Mahomedan urban constituencies and rural constituencies showed that little interest was taken by women in election. Witness thereupon rightly pleaded that the time since the grant of that right had been short and that with training and experience women would do better. Sir Alexander Muddiman remarked that the demands of women could be granted by amending the rules.

On this day the main witness was Mr Raza Ali who was examined for about two hours by the Committee.

On August 27th Mr Chittale representing the Bombay Presidency Association submitted a memorandum and was examined by the Committee. His evidence related mainly to provincial matters.

### Sir Frederic Gauntlett

On August 28th after an inconsequential examination of Dr Shafaat Ahmed Khan, the first official witness before the Committee was examined in the person of Sir Frederic Gauntlett, Auditor-General. He was called to assist the Committee with his 'expert' opinion on the question of financial control exercised by the Finance departments of the local Governments. In his note which was not made available to the press, Sir Frederic pointed out that in order to grant financial autonomy to the provinces it was essential that the provinces must have their own cash balances and their own accounts separated from the central audit. But then, asked Mr Jinnah, would separation under these two heads alone grant full provincial autonomy in matters of finance? Sir Frederic pointed out that he had made those remarks because he thought that if the Committee thought fit to recommend financial autonomy, it must know that it would have to sit for more than a year to work out the administrative details. Sir Alexander Muddiman suggested that witness was not recommending the grant of autonomy but merely pointing out the difficulties that would beset the Committee if it made such a proposal. As for provincial cash balances, witness said at present all the balances were treated as central balances and that either the Government of India would have to start off the provinces by granting them big cash balances or the provinces would have to form their own by reduction in expenditure or increase in revenue. He remarked that the provinces did not seem inclined to face the latter alternative. Sir Sivaswami Iyer asked whether witness was suggesting that the difficulties were insuperable. Sir Frederic had to admit they were not. A part of his evidence was the interesting disclosure made for the first time of private discussions at the India Office when he went there to put through the draft financial rules prepared by the Government of India. He said it was first considered that the finance department might be placed under a Minister but some constitutional difficulties arose. The Ministers might resent Treasury control exercised through the rules issued by the controller of currency and

that the famine insurance fund being a reserved subject, its administration should not be in the hands of a Minister. The proposal that finance be in charge of the Governor, he said, was dismissed because the Governor won't be the trained administrator that the Finance department would require at its head. He informed the Committee that the Government of India's original proposal was to make the finance department a reserved subject and he said discussion at the India Office always took it for granted that finance must be in the charge of a member who would be in charge of finance only. When examined by Sir Sivaswami Iyer he suggested that theoretically the Finance Member should be solely in charge of finance, but when pressed to suggest improvement in the existing system he agreed that in practice all the same thing should be done. As for the appointment of a joint finance secretary, he said the purpose of the authors of the proposal was that these persons should be the technical advisor of the Ministers. When asked by Dr Paranjpye whether this secretary would have been allowed to scrutinize the financial proposals of the reserved half with a view to find out wasteful expenditure, Sir Frederic dismissed such a proposition and suggested that the Finance Member would be an honourable man and hold the balance even between the two halves. He admitted to Mr. Jinnah that this secretary would be a Finance department man but disagreed on the suggestion of friction by remarking that it depended upon the persons. He was taken by surprise by a question by Mr. Jinnah from the U P Government's letter that in that province a convention had been established that the Finance department's decision shall prevail unless upset by the local Government. Witness confessed this went beyond the rules on the question of control. Sir Alexander Muddiman felt satisfied on receiving an assurance from witness in refutation of the charges levelled by the ex-Ministers, that the Finance department did not go into policy, but in an unguarded moment. Sir Frederic in reply to Sir Henry Moncreff-Smith stated that the Finance department considered it essential to tell the Minister or the member that it considered useless expenditure on certain schemes which meant disapproval of the policy underlying the scheme. Sir Alexander came to his rescue and got from witness the statement that Treasury control in England was far stronger than in India. Of course he did not consider that the Government in England is national while refusal of expenditure in India has been mainly due to the desire to retard such progress as would hasten advancement towards the moral and material uplift of the country. As for the purse, he said the possibility of separate purse was also considered but it was given up because under strict division the reserved departments might go on building up cash balances and the transferred departments might find the allotted funds insufficient. Thus at least he recognised that the transferred departments offer real field for expenditure. Another difficulty, he said, was the division of the field for taxation between the two halves under a system of separate purse. Sir Sivaswami mentioned the instance of taxation being raised for particular purposes in England. Witness thereupon modified his statement and agreed that this might be done in India as well in exceptional cases. Dr Paranjpye pointed out that Ministers could get money by taxation but they could not be sure that it would be given to them alone. Sir Sivaswami gave an instance of a province where the Minister raised money on this understanding but that was not kept. Sir Frederic considered honour demanded the word being kept. Sir Sivaswami also brought to the notice of Sir Frederic the case of the secretaries of the U P Government who were staying in the *de facto* headquarters of Government at Lucknow and still drawing camp allowance. Witness was taken by surprise and as this falls within his department he promised to investigate the matter and set it right.

### **Evidence of Mr. N. M. Joshi**

On August 30th Mr. N. M. Joshi, the nominated labour member of the Assembly, appeared before the Committee on behalf of the Bombay Presidency Association. His evidence turned mainly on the Central Government and advocated the transfer of all departments to Indian Ministers responsible to the Assembly with Army and Foreign affairs in the hands of the Viceroy.

After the conclusion of Mr. Joshi's evidence the Committee adjourned till the 16th October

**Evidence of Sir P. C. Mitter**

After a month and a half's adjournment the Reforms Enquiry Committee re-assembled on OCTOBER 16th and examined Sir Provash Chandra Mitter, who was a Minister in the first reformed Legislative Council, Bengal.

Sir Provash Chandra Mitter's evidence was very interesting. He laid great stress on the need for removing the present bitterness between Indians and Britishers, because without their co-operation the future would be gloomy. He suggested a committee to consider the economic self-interests of Britain and India which he believed can be accommodated without detriment to either side. He as Minister worked as one who was favourably inclined towards dyarchy, but now believed it could not be worked at all. His solution was the grant of provincial autonomy with certain powers to the central Government under the federal system, but he would consider provincial autonomy risky if the present franchise stood unaltered. The electors were immature and gullible though they were intelligent and did not lack in judgment. He would establish electoral colleges in the case of big rural constituencies while retaining direct election in urban areas and small rural constituencies. He advocated the extension of the bicameral system to provinces. He said both the Swarajists and Ministerialists in the Councils were responsible for the corrupt practices in the Council. While he would not penalise this because Government prosecution would lend a political colour to it, he would take other milder steps. He suggested that the members' oaths might include allegiance to the constitution with a view to provide against professed obstruction. There was only one party, namely, the Swaraj party, but as the working of the Calcutta Corporation had shown, the moment responsibility was granted the party system would develop. The Bengal Indian press while praising the Swarajist action in the Council was severely criticising the Swarajists' work in the Corporation. He did not feel that the Ministers in the first Council accomplished much because of financial stringency though they laid a foundation for good schemes.

The President referred to the statement of witness that time was not yet for the grant of full provincial autonomy and that dyarchy also could not be worked.

Sir Provash Chandra Mitter said he had submitted three memorandas, one in June, one in July, and one in October. His first two statements were based on the idea that the scope of the Committee was limited, but after seeking the newspaper reports he had submitted his last memorandum giving his opinion about constitutional advance if he had a free hand, but the common points in all his memoranda were that he had condemned dyarchy throughout, had urged the necessity for evolving the party system, had throughout expressed dissatisfaction with the present state of things. In his memorandum of June he held that the voters were not yet fit for provincial autonomy, but in his memorandum of July he suggested provincial autonomy with an upper House as one of two alternative schemes. Witness further explained that on the present electorate provincial autonomy would be risky. The electorate was gullible and immature though there was nothing fundamentally wrong about the intelligence or judgment of the electorate. At present the constituencies were too large and some of them contained as many as a million electors. It was impossible for rival candidates to get into touch with them. He suggested therefore that the franchise be altered and electoral colleges established in the case of large rural constituencies, while direct election could be retained in the case of urban seats and small rural constituencies. He admitted to the President that he would not have autonomy without altering the franchise, but his alternatives to dyarchy were either unified Government or institution of two chambers. He admitted that provincial autonomy must be subject to some limitations under the federal system. The Central Government must have powers to discharge its duties.

Questioned by the President he agreed that the abolition of communal representation was not practical politics today though it would be a good thing for India to get rid of it.

### Sir Purshottamdas Thakurdas

Next day, OCTOBER 17th, Sir Purshottamdas Thakurdas, representative of the Indian Merchants' Chamber and Bureau, Bombay, was examined in his personal capacity on his memorandum in which he had urged the abolition of dyarchy, the introduction of provincial autonomy and increased responsibility in the Central Government as desired by every political party in India. In setting forth this demand Sir Purshottamdas answered several objections raised against it. As belonging to the commercial community he arrived at his opinions after fully weighing the risk India might be running in adopting a change in the constitution of the Government. No Indian in his zeal for the safeguarding of property and person could for ever stand in the way of constitutional reforms because after all the best school for responsibility was responsibility itself. The only form of loyalty which conduced to the stability of the Government was the loyalty of those who understood and appreciated the benefits of good administration and such loyalty could only come from the intelligentsia, and the conciliation of the intelligentsia must, therefore, form the main goal of statesmanship. Referring to dyarchy, witness quoted the opinion of Sir Michael O'Dwyer that under this system there would be no strong Government but a divided Government leading to delay and friction, besides being costly and complex. A unitary system had the full adherence of witness who pointed out that both business and Government drew their sustentances from finance and a business prospered best when the application of funds at its command was based on a united understanding and directed by a united will to further a common object and discharge a common responsibility. None of these conditions could be satisfied under the dyarchical form of government. It was impossible to work an unworkable system and the change must take the form of complete ministerial responsibility in the provinces rather than a reversion to the old time autocracy. Meeting the objections advanced against change Sir Purshottamdas said that the smaller Indian agriculturist no less than the industrial workman had a good measure of common sense and should make a good elector. Even a literacy test should ultimately prove no barrier to the increase in the number of voters. As regards the communal differences the best method was to devise a machinery which would reduce the friction to a minimum and accelerate the pace of reform. Here witness suggested the constitution of advisory committees at all district and divisional headquarters, whose duty would be to work in close cooperation with the local authorities to avert an outbreak of communal passion. No legislation likely to affect the interests of a community or a backward class adversely should be passed unless supported by a three-fourths majority of the local Council. As an alternative he suggested the creation of separate special institutions adapted to the standards and needs of such classes, so that they might develop in their own way till they were fit to come into line with the more advanced communities.

Coming to the Central Government, Sir Purshottamdas met the argument that dyarchy which is accursed in the provinces should not be hailed as a blessing for the central organism by pointing out that the only fair test of the Indians' capacity for government was their ability to work a system which they willingly accepted. The presence of the Indian members on the Executive Council seldom harmonised the policy of the Government with the wishes of the unofficial majority. In any system of representative government harmony between the executive and the legislature was not a matter of race but of community of political ideals and purpose. The fundamental defect consisted in the absence of any real connecting link between the executive and the legislature. This could only be remedied by converting an irresponsible and irremovable Council into a Cabinet responsible to and removable by the Legislature. The military budget could be protected against capricious reduction by fixing an amount after full consideration of the actual figures of past expenditure which should not be varied for five years and which should constitute a primary statutory charge on the central revenues. The budget itself should be revised quinquennially by an independent committee. The Commander-in-Chief should not have a seat in the Cabinet but be replaced by a Minister. The Indian Princes instead of being encouraged to regard themselves detached spectators of events in British India

might be brought into the main current of our progress. The Cabinet must be formed by the Chief Minister selected by the Governor-General from the dominant party in the Legislature after each election, and should not resign unless overthrown by a three-fourths majority of the Assembly or dismissed by the Governor-General. In the sphere of foreign affairs the Governor-General would have the power of veto while in regard to the Army the Cabinet would not be competent to upset the financial settlement in vogue for a particular quinquennium. There must be no nominated official in the Assembly when there was responsibility in the Central Government.

Asked about withdrawal of British troops from India, Sir Purushottam gave an astoundingly bold reply. He was not in favour of the withdrawal, and this gave great satisfaction to Sir Alexander Muddiman. But, rejoined Sir Purushottam, the reason why he wanted to retain the British troops was mainly because British vested interests in India would not be otherwise reconciled, and because there were communal disturbances which called for British troops. But what if Parliament did not sanction any advance before 1929? The reply the witness gave has since become classic. He believed that if the material placed before the committee was correctly judged, the case for advance had been fully made out, and he had still confidence in British statesmanship that when the Reforms Committee's recommendations went to Parliament it would sanction advance, but if Parliament did not agree, then all he could say, exclaimed Sir Purushottam, was that Heaven help India.

### Mr. Fazl ul Huq's Evidence

On October 18th great interest centred round the evidence of Mr Fazl-ul-Huq, ex-Minister of Bengal. His evidence was full of pique for the great humiliation he had suffered in the Bengal Council and so his views cannot be taken seriously. He was for the continuation of dyarchy as it had not had a fair trial and the electorate was not educated enough for further advance. He would not advocate transfer of more subjects and certainly not in any case law and order and police as these would be exploited for party ends like the Calcutta Corporation. He spoke bitterly against bribery, corruption and intimidation which took away votes from him. Between Sir Muhammad Shafi and witness there seemed to be perfect cordiality. In fact the cross-examination at this stage meant nothing more than witness amiably assenting to Sir Muhammad Shah's propositions. Bengal Muslims, he said were keenly dissatisfied with the Lucknow pact as it applied to Bengal. There was no difficulty between the Ministers and the Secretaries, and with the Lee recommendations carried out, even the possibility of friction would disappear, there was no need to make rules under section 19-A as conventions of non-interference were sure to grow up, and so on.

Then came a revelation! To the Maharaja of Burdwan he admitted that four years ago he favoured complete autonomy, but experience had made him a wiser man! After a brief intervention by Sir Arthur Froom and another by Dr Paranjpye came some masterly examination by Sir Tej Bahadur Sapru which was the feature of the proceedings. Witness looked most uncomfortable as Sir Tej Bahadur Sapru asked him plainly whether he had not declared that the Cabinet pronouncement of the 20th August, 1917, was a great blunder. Chapter and verse were asked for and promptly supplied by Sir Tej Bahadur Sapru, who read out the opening passage from Mr Fazl-ul-Huq's memorandum submitted to the Bengal Government. This had been withheld from the press for obvious reasons though a similar memorandum of Sir P C Mitter was not treated the day before as confidential. Realising that escape was impossible witness confessed he had made the statement that dyarchy was an evil, but as Parliament would not scrap the Reforms he felt he had to make the most of it. If he had the choice, he was compelled to admit in answer to the next question, he would certainly go back to the halcyon days before even the Minto-Morley Reforms were introduced! In saying this he believed he was expressing the view of the bulk of the Mahomedan community in Bengal. Another citation was made this time from witness's speech in the Bengal



Council last August in which he favoured the abolition of dyarchy. He admitted he meant by it going back to the time when India had no representative institutions. With such views, was he surprised at the Swarajist attitude, and would not a Hindu Minister have been treated similarly if he had subscribed to them? asked Sir T. B. Sapru. Witness had perforce to admit the soundness of Sir T. B. Sapru's contention and thus retract his previous statements. Sir T. B. Sapru's handling of witness, if severe, was thorough and elicited warm commendation even from those not friendly to Indian aspirations.

### Sir John Maynard's Evidence

On October 20th the official game of summoning witnesses representing the provincial Governments as an off-set against the views of the ex-Ministers was played when Sir John Maynard appeared with the object of contradicting all that Lala Harkishen Lal had said. Although he spoke for half an hour explaining why he was opposed to the transfer of any more subjects, he was much shaken in cross-examination by Sir Tej Bahadur Sapru. Sir John Maynard is the seniormost member of the Punjab Government and is in charge of Finance and Home portfolios. He thought the Reforms were just beginning to get a trial because the first Council was boycotted and there was financial stringency. He told Sir Alexander Muddiman that the Punjab Government had worked as a unitary system throughout. Then it means, suggested Sir T. B. Sapru, that witness thought that dyarchy would have been a miserable failure if it had been enforced. Sir John admitted it. Sir Tej Bahadur thereupon suggested that the unitary form of government really worked and not dyarchy and that the success of the administration was due to both halves having acted together. Sir John Maynard had to admit that as well. Sir T. B. Sapru thereupon carried him a point further, namely that when the Ministers took part in all consultations they were morally responsible if not technically, for the decisions of the Government even on the reserved side and were prepared to publicly side with the Government in supporting those decisions. That was also true, acknowledged the witness. Then it came to this, concluded Sir T. B. Sapru, that dyarchy was unworkable, that the Ministers were facing full responsibility for the actions of the Government as a whole. The only inference from these admissions of the witness was that not only dyarchy must go but that the Ministers were capable of shouldering the burden of the Government's responsibility for the maintenance of law and order. In fact, as pointed out by Dr. Pananjy and Sir T. B. Sapru, witness in his written statement had admitted that the two Ministers wanted more drastic measures to prevent the Akalis from taking forcible possession of the shikhs than the reserved half was prepared to take.

Sir John Maynard was on stronger ground when he explained the peculiar communal situation in the Punjab. Here the Mahomedan community had created such distrust among the Hindus and the Sikhs that they have been loudly urging the Governor to intervene and put a stop to Mr. Fazl Hussain's activities. Sir Muhammad Shah attempted in vain to get Sir John Maynard to controvert his statement that the Muslim bloc always supported the Muslim Minister. Indeed, the weakness of the Government in preventing Mr. Fazl Hussain from going too far was due to a fact which was mentioned by Sir John Maynard, namely, that the Government's fate was always decided by the Muslim majority. The Government was therefore naturally anxious to let Mr. Fazl Hussain have full play in order to secure his followers to prevent a series of Government defeats. But perhaps the biggest disappointment of Sir Muhammad Shah was when Sir John told him to his face that Mahomedan representation in the Punjab Council was substantial and there was really no felling among the Mahomedans generally for increasing it. Sir Muhammad in vain reminded witness of the protest of the Punjab Muslim League against the Lucknow pact. Sir Muhammad Shah further added that even the All-India Muslim League at its last session had urged a revision of the representation. Sir John Maynard's reply was the All-India Muslim League's resolution was perhaps intended for the Reforms Enquiry.

### Sir Chimanlal Setalvad

On the 21st October extraordinary revelations were made by Sir Chimanlal Setalvad based on his experience of the working of the Reforms during his two years' membership of the Bombay Government when Sir George Lloyd ruled over it. It seems that members of the committee were anxious to withhold these from the public, but as a copy of his memorandum had already fallen into the hands of the Associated Press, Sir Chimanlal was heard in public. According to Sir Chimanlal's description of the position, Bombay seems to have been the most unhappy province. There, according to Sir Chimanlal, the late Bombay Government not only completely perverted the intentions of the framers of the Government of India Act but also subverted the provisions of the Act itself. For instance the Governor's interpretation of the Act was that he was not called upon to hold joint meetings of Ministers. The result was that one Minister did not know what was happening in the departments of the other Ministers. Above all the Governor considered the Minister as his mere adviser to be overruled whenever there was sufficient cause and not under exceptional circumstances as was contemplated by the Joint Committee and provided for in the Instrument of Instructions from the King to his Governors. The funniest part of it all was that, as pointed out by Dr Paranjpye, it was declared that the law advisers of the Governor held that the Governor's interpretation was right. The explanation of the position of the Ministers in Bombay so much jarrred upon the ears of Sir Alexander Muddiman that despite Sir Chimanlal's unwillingness to be harsh, the President suggested that in effect the whole purpose of the Government of India Act appeared from the case presented by witness to have been defied in Bombay and even the Instrument of Instructions disobeyed. The President thereupon suggested that dyarchy had not then been really worked in Bombay. That was so, replied Sir Chimanlal. Mr Jinnah at once caught the implications of the question and hastened to ask whether if another Governor who would behave better were to work dyarchy, he would agree to work it. No, was the emphatic reply. Sir T. B. Sapru cleared the position still further by asking whether, even if good-will were restored, he would try dyarchy again in the provinces. Sir Chimanlal felt that no amount of professions of good-will on the part of the Government would create confidence. Only a real move in the forward direction would achieve that.

Sir Chimanlal said that dyarchy as a system was not unworkable but the Government's blunders, which forced the country to non-co-operation, had shattered all faith in the Government's intentions, and actions like those of the Governor of Bombay further intensified that distrust. His solution, therefore, was the grant of provincial autonomy to the major provinces and the introduction of dyarchy in the Central Government. It was in respect of the safeguards that he suggested that a real difference of opinion arose. Sir Chimanlal was a little overcautious. He did not want that the advance should be uniform all over India and persisted in his proposition despite the difficulties pointed out by Sir Tej Bahadur Sapru and Mr Jinnah. Then, again, he advocated that the Governor should have emergency powers to maintain law and order and that the question of a Second Chamber in the provinces was worth consideration. He also did not see that there would be great friction under his proposal that while law and order should be transferred in the provinces they should be reserved in the centre. Sir Sivaswamy Iyer suggested emergency powers being given to the Governor-General while law and order be transferred. Witness did not fall in even with this view. Sir Chimanlal had, however, touched a very important point by stating in his memorandum that unless effective steps were taken to Indianise the army, confidence in the good faith of the Government would not be restored. Mr Jinnah tried to get amplified the views of the witness on this point, whereupon the President suggested that they were not enquiring into army reform but into the working of the Act. Mr Jinnah quickly retorted that it all depended upon how the Act was amended and showed that he was within his rights in putting the questions. With Sir M. Shafi Sir Chimanlal agreed that it was desirable to have a convention that the Secretary of State should not interfere when the Government and the Legislature agreed,

But Mr Jinnah made the witness admit that under section 131 of the Government of India Act, the Secretary of State could never divest himself of his powers over the administration of India. As a cry had been raised by die-hards that the obstruction in certain Councils proved that no more concessions should be granted, Sir Chumanlal gave it as his emphatic opinion that obstruction was launched because the Swarajists wanted to end dyarchy, and that if it was ended and a proper system introduced, the obstruction would disappear automatically.

### Mr Kabiruddin Ahmed

On OCTOBER 22nd a most disgusting affair cropped up when Mr Kabiruddin Ahmed was giving evidence. It is well-known how the formation of the so-called Parliamentary Muslim party in the Assembly had been engineered and although well-known Muslim leaders like Mr Jinnah did not belong to it and had opposed it, its constitution had nevertheless been recognised to divide the national forces by pitting one community against the other. Therefore when Mr Kabiruddin Ahmed appeared before the Committee on behalf of his party, it was clear that he would receive unusual patronage from the official section of the Committee. Sir Muhammad Shafi espousing the extreme Muslim demands put, following the example of the President, several leading questions to which witness had only to reply in the affirmative. It all seemed so well planned and arranged and worked very smoothly so long as the President, Sir Muhammad Shafi and Sir Arthur Froom examined witness, but Sir Sivaswami Iyer was puzzled at Mr Kabiruddin's admission to the President that he did not want any change either in the provinces or in the centre. Sir Sivaswami therefore read the following extract from the memorandum — 'The present position where an irremovable executive stands confronted with a legislative house the majority of which is hostile is intolerable.' Sir Sivaswami asked how witness would remove this intolerable position. Mr Kabiruddin Ahmed said his reply was given in the next sentence which read 'It (the position) is unfair to the executive itself and unless the position is improved is bound to lead to a series of continued deadlocks.' Sir Sivaswami Iyer suggested that this was not an explanation and asked what improvement would the witness suggest. Mr Kabiruddin was at his wit's end. Sir Alexander Muddiman at once suggested that the improvement proposed by witness was that a larger number of Mahomedans should be in the Assembly. Sir Muhammad Shafi suggested that Mr Kabiruddin Ahmed had already given an answer in his memorandum that partial responsibility be introduced in the central Government provided one-third of the Ministers were Mahomedans. Sir Sivaswami Iyer protested that he wanted the witness to answer and not others to suggest. Sir Alexander Muddiman asked the witness whether he agreed with his (President's) reading of the point of view of the witness or not. Mr Kabiruddin Ahmed naturally nodded his assent. But Mr Kabiruddin was very insulting to Sir Sivaswami Iyer throughout. For instance, he told Sir Sivaswami Iyer that he did not want to waste his time in answering questions which were not intelligent to him and that he would refuse to answer questions for which a reply was to be already found in the memorandum. The President gave Mr Kabiruddin Ahmed too long a rope and the self-respecting members of the committee could not therefore recognize the existence of such a witness. The climax came when Mr Kabiruddin told Sir Sivaswami Iyer in a low remark but which was quite within the hearing of Dr Paranjpye and Sir Tej Bahadur who were sitting near the witness, that he was not prepared to be cross-examined by a two-rupee lawyer. Thereupon Dr Paranjpye and Sir Tej Bahadur refused to cross-examine the witness. The President then felt that the affair had been bungled and this friend of officials had gone beyond the limits of decency. The President thereupon called upon the witness to withdraw if he had used the words complained of. The President said he himself did not hear them. Then Mr Kabiruddin explained that he did not use the words in the sense put by Sir T. B. Sapru and when the President remarked that in whatever sense the words might have been used, if they were used, they should be withdrawn, Mr Kabiruddin Ahmed altogether denied having uttered them! The President

felt satisfied but Sir T B Sarpu and Dr Paranjpye were not and did not reconsider their decision

Sir T B Sarpu thereupon withdrew and returned only when Mr Kabiruddin Ahmed's evidence was finished. The evidence itself had no weight and had not even a smattering of reasonableness about it. It was a die-hard case put to suit the official view. Mr Kabiruddin Ahmed represented that every Muslim who thought against him was a traitor to his community, a puppet in the hands of pro-Hindus, and a nonentity.

### Sir Abdur Rahim's Evidence.

On OCTOBER 23rd Sir Abdur Rahim appeared on behalf of the Bengal Government but beyond answering a few questions of Sir Alexander Muddiman, giving the Bengal Government's view, he was really examined on his own note. Unfortunately both the Bengal Government's letter and Sir Abdur Rahim's note were kept confidential and only the course of examination suggested what their contents were like.

Sir Abdur Rahim's evidence was unique in that he was there to support the Bengal Government's case for tightening the present autocratic grip of the Government with a view to defy the wreckers of dyarchy and therefore to implant it more firmly than even the genius of the British Parliament could. Sir Alexander Muddiman suggested and witness agreed that total refusal of the Ministers' salary should be prohibited and the President of the Council guarded against orders of the court. Mr Jinnah and Sir Tej Bahadur Sarpu pointed out that in such a case the Ministers might persist in clinging to their office despite the vote of censure as the Mahomedan Ministers did in Bengal. Sir Abdur Rahim replied that the speeches on that occasion showed that the Ministers were not distrusted, but the Swarajists were out to wreck dyarchy. Sir Abdur Rahim then launched on a lecture which would have done honour to any conservative peer. He said no stable responsible government could be run today and that dyarchy was quite workable and must be used to gain experience. He even went in a diametrically opposite direction to the view of his own Government on the subject. Like the Punjab Government, the Bengal Government found it impossible after six months or a year's experience to work dyarchy by holding meetings of the two halves separately and introduced joint consultation and joint deliberations, thereby undertaking unitary administration while retaining the outward form of dyarchy. Sir Abdur Rahim would go a step further. He thought we had not had real dyarchy. He would give the Ministers a separate purse, their own Council secretaries, would abolish the right of secretaries to have access to the Governor, would reduce the Governor to a more or less constitutional head on the transferred side, and would ask official members not to vote in debates relating to transferred subjects. Of course he profusely assured Sir Alexander Muddiman that his advocacy of separate purse, of taking away the right of the secretaries and curtailing the interference of the Governor did not mean a reflection upon the way these matters had been managed hitherto. He was full of praise for the officials. Only dyarchy must be fully enforced. Dr Paranjpya and Sir Sivaswamy Iyer looked bewildered and asked him to state whether in such a case the Ministers would advise their party to vote against resolutions on reserved subjects, which in the majority of cases were bound to be against the popular view. Sir Abdur Rahim stumbled and admitted that this was a grave defect in his scheme and the Bengal Government's view about joint consultation looked sounder. Sir Tej Bahadur Sarpu was anxious to know how the witness could defeat the Swarajists who were bound to gain further strength if no concession was made. Sir Abdur Rahim said the franchise should be re-arranged to get the loyal Mahomedan element in a larger number to support the Government. Sir Tej Bahadur discovered that Sir Abdur Rahim had stated in his note that influential and responsible men had asked for an advance. As witness had said that Bengal did not want it, Sir T B Sarpu asked whether Bengal did not possess responsible men. The witness was at his wit's ends to explain this discrepancy.

On OCTOBER 24th the committee held the last sitting and examined two official witnesses. Mr JUKES of the Finance department speaking for himself

had submitted a memorandum in which he showed how without amending the Act, financial autonomy could be granted to the provinces. Sir Alexander Muddiman appeared so much moved by this memorandum that he dubbed it valuable and did not examine witness for more than five minutes. Sir Tej Bahadur Sapru and Mr. Jinnah, however, exposed the show by making witness admit that so long as the revenues of India were vested in his Majesty's Secretary of State, the provinces could not have their way with their revenues. Therefore real financial autonomy could only be achieved by an amendment of the Act and not by merely altering the rules here and there. Sir Alexander Muddiman felt the weakness of the position and attempted to save it by suggesting that if financial autonomy was not achieved, at any rate, the preliminaries essential for it would be realised by accepting Mr. Jukes' suggestions, the most important of which was to separate provincial cash balances and enable the provinces to raise their own ways and means advances from the Imperial Bank. In the matter of loan, he said, Simla must continue to exercise control over the provinces. As was expected from an officer of the Government of India Mr. Jukes told Sir Arthur Froom that he thought the Meston award reasonable.

Mr. SPENCE, the next witness, was practically examined by Sir Moncreff-Smith who, it appeared, had summoned his deputy to openly refute the charges made by witnesses from the provinces and also charges which seem to have been made against the Legislative department by the provincial Governments about unduly delaying provincial Bills sent up for sanction and obstructing them in some cases. Mr. Spence represented that his department was right and the provincial critics were all unreasonable. In one or two instances really the provincial Governments were at fault and it turned out that these instances occurred when Sir Tej Bahadur Sapru was the Law Member. Thus Sir Tej Bahadur told the committee and Mr. Spence corroborated the fact that Sir Harcourt Butler's Government sent their Oudh Rent Bill with seven days' notice for sanction before its introduction. Sir Tej Bahadur as Law Member protested against this. Then again before the Bill had become law, the U. P. Government had the audacity to send a request to the Legislative department to arrange for the assent of the Governor-General by a specific date. Against this Dr. Sapru strongly protested and the U. P. Government had to apologise. Mr. Spence threw some further light by remarking that the Secretary of State sent suggestions for liberalising the Rent Bill when it was under discussion and that these were communicated to the local Government who, however, did not incorporate them as they said they were anxious to get through the Bill as soon as possible. Another instance was when 50 clauses of the Calcutta Municipal Bill were sent and it was intimated that others would follow. There was also trouble about the Madras Land Settlement Bill. Dr. Paranjpye got from the witness an admission that the Bombay Government sat tight over Rao Bahadur Kale's Religious Endowments Bill for an inordinate length which resulted in its lapsing when the Council was dissolved. Mr. Spence admitted that the requirement of previous sanction of the Government of India to substantial amendments to a Bill, as happened in the case of the Allahabad University Bill, was very inconvenient but he could suggest no remedy except a radical alteration of the law of sanction.

#### ' CLOSE OF THE COMMITTEE'S WORK !

This closed the public examination of witnesses by the Committee after which the Committee met in camera to discuss the preliminaries in drawing up the report. For this purpose the Committee met formally after an adjournment on November 24th. The final report was issued only in March last.

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The Central Legislature  
The Legislative Assembly  
The Council of State  
Sept. 1924



*Statement showing Resolutions adopted by the LEGISLATIVE ASSEMBLY during the DELHI SESSION 1924, and  
action taken by Government thereon*

Date on which moved	By whom	Subject of Resolution	Action taken by Government
5th February 1924	Mr B Venkataswamy	Amalgamation of the Indian Territorial Force with the Auxiliary Force	A Committee has been appointed and will assemble shortly
7th February 1924	Mr K C Neogy	Countervailing duty on South African coal	The Government has as yet taken no action on this Resolution
5th, 8th, 13th and 18th February 1924	Diwan Bahadur T Ranganath	Full Self Governing Dominion Status for India	A copy of the Resolution adopted by the Assembly, together with the debates thereon, was communicated to the Secretary of State on the 6th March 1924 The subsequent action taken in conformity with the undertaking of the Honourable Sir Malcolm Hailey given in the discussion of the Resolution has been announced in Communiqués which have been issued
12th February 1924	Mr K Ahmed	Answering of all questions in the Assembly regarding subjects over which Government of India have power of superintendence and control	The question is under consideration
Ditto	Haji Wajuddin	Measures for the convenience of Indian passengers	A copy of the discussion on the subject in the Assembly was forwarded to all Railway Administrations for consideration
14th February 1924	Diwan Bahadur Ramachandra Rao	Assembly's approval in regard to certain contracts	The Government of India have decided that they cannot be bound by the Resolution, but that should they consider it in the public interest to do so they may at their discretion consult an appropriate committee of the Legislature before entering into a contract of the nature contemplated
Ditto	Mr M A Jinnah	Purchase of Stores	The matter is under consideration.



*Statement showing Resolutions adopted by the LEGISLATIVE ASSEMBLY during the DELHI SESSION 1924, and  
action taken by Government thereon—contd*

Date on which moved	By whom	Subject of Resolution	Action taken by Government
Ditto	Maulvi Mohammad Yakub	Greetings to the Labour Party	A copy of the Resolution adopted by the Assembly, together with the debates thereon, was duly communicated to the Secretary of State
19th February 1924	Mr V J Patel	Removal of restrictions in the way of Mr. B G Horniman to return to India	The Government of India have not been able to accept the recommendations contained in the Resolution. No action has accordingly been taken other than to report the result of the debate to the Secretary of State.
26th February 1924	Sardar Gulab Singh	Appointment of a Committee to inquire into the grievances of the Sikh community	Ditto
Ditto	Sardar Kartar Singh	Release of Sardar Kharak Singh	Ditto
Ditto	Mr S. Sadiq Hasan	Release of Maulana Harat Mohani	In accordance with the undertaking given by the Honourable the Home Member during the debate, the Punjab Government were consulted and it has been decided that there are no grounds for interference at present.
8th March 1924	The Honourable Sir Malcolm Hailey	Ratification of International Convention for suppression of obscene publications	The Governor General in Council has not accepted the recommendations made in the Resolution and no action has accordingly been taken thereon.
20th March 1924	Mr Amar Nath Dutt	Repeal of Bengal Regulation III of 1818	The Secretary of State has been informed that the Government of India agree that the Convention should be ratified on behalf of India, and Local Governments have been consulted on the amendment which will be necessary in the Indian Penal Code and the Criminal Procedure Code. It is proposed to undertake the necessary legislation in the September session. For the reasons stated in the course of the debate, the Government of India have been unable to accept the Resolution and no action has been taken other than to communicate a report on the debate to the Secretary of State.

*Statement showing the Resolutions adopted by the COUNCIL OF STATE during the DELHI SESSION 1924, and action taken by Government thereon*

Date on which moved	By whom	Subject of Resolution	Action taken by Government
4th February 1924	The Honourable Mr Phiroze C Setna	Inquiry into the economic conditions of the people of India	The Local Governments have been consulted as to the desirability of undertaking the inquiry and asked whether they would be prepared to support the proposal for the appointment of a Committee and to co-operate in its labour, if appointed
6th February 1924	The Honourable Sir Maneckji B Dadabhoy	Award of the Nobel prize for peace to His Highness the Aga Khan	A certified copy of the Resolution, together with a copy of the debate on the subject, was forwarded on the 11th April 1924 to the Secretary of the Nobel Committee of the Norwegian Parliament, for the information of that Committee
11th February 1924	The Honourable Mr Phiroze C Setna	Mural paintings in Government buildings at Raunna	No action has yet been taken as the work of mural paintings in the buildings in Raunna cannot yet be taken in hand.
12th February 1924	The Honourable Mr S Vedamurti	Reconstitution of the New Capital Committee, Delhi with a non-official majority	The Resolution, as adopted, has been given effect to
18th February 1924.	Ditto	Substitution of a provident fund for the existing pension system	The matter will be considered after the report of the Public Services Commission has been published
5th March 1924	The Honourable Sardar Jogendra Singh	Survey of irrigation possibilities and the organisation of power lift irrigation from wells	Copies of the Debates in the Council of State and of the Resolutions have been forwarded to major Local Governments for their views before deciding what action, if any, is desirable

*Statement showing the Resolutions adopted by the COUNCIL OF STATE during the DELHI SESSION 1924, and action taken by Government thereon—contd*

Date on which moved	By whom	Subject of Resolution	Action taken by Government
10th and 12th March 1924	Ditto	Development of the sugar industry	A copy of the Resolution, as adopted, was forwarded to all Local Governments and the Administration of the N-W F P for information and such action as might be considered necessary with the remark that the Government of India, who are interested in the question, would be glad to be kept informed of developments
11th March 1924	The Honourable Mr J Crerar	Ratification of the International Convention for the suppression of the circulation of and traffic in obscene publication	The Secretary of State has been informed that the Government of India agree that the Convention should be ratified on behalf of India, and Local Governments have been consulted on the amendments which will be necessary in the Indian Penal Code and the Criminal Procedure Code. It is proposed to undertake the necessary legislation in the September session
18th March 1924	The Honourable Mr H Ley	Draft Convention of the International Labour Conference concerning the use of white lead in painting	The Resolution adopted was forwarded on 22nd April 1924 to His Majesty's Under Secretary of State for India for communication to the Secretary General of the League of Nations
19th and 20th March 1924	The Honourable Mr A Natesan	Restrictions and disabilities imposed on Indians in South Africa	The gist of the Resolution was communicated in a cable to the Secretary of State for India on the 28th March 1924. The Class Areas Bill, which was the subject of discussion, has since lapsed owing to the dissolution of the Union Parliament

# The Legislative Assembly

## SEPTEMBER SESSION—1924

The Legislative session at Simla began on the 3rd September 1924 when the *COUNCIL OF STATE* met under the presidency of Sir Montagu Butler, and the *LEGISLATIVE ASSEMBLY* under Sir Frederick Whyte. The most important business of the session was of course the discussion of the *Lee Report* (see Vol I, p 525) on which the Government showed an attitude of profound hostility to the Indian view and roundly declared that they were not going to accept the popular demands.

The natural outcome of this unbending autocratic attitude of the Government was that they suffered the most ignominious defeats almost at every turn during the 14 days that the Assembly sat in this session.

The most crushing Government defeats were made possible by the co-ordination among non-officials by the formation of the Independent Party under the leadership of Mr Jinnah. It should be remembered that when the new Assembly met at Delhi, the Swarajists found themselves 48 strong ranged against the same number on the side of Government. The Independents held the balance. Negotiations then ensued and the Nationalist coalition was formed for the purpose of putting forward a common demand for an early examination of the Constitution and that, failing an acceptable gesture in that direction within a month, the coalition would resort to the method of constitutional dead-lock and throw out the budget. But very often in Delhi the Government was defeated only by bare majority, and division was always uncertain because the bare majority might be lost by the unexpected absence of one or two members of the coalition. The defect lay in the fact that the Independents were not an organised group and were free to act as they chose on any particular occasion, and as they held the balance, the absence of their allegiance to any party made voting generally uncertain. The need for the formation of an Independent party was recognised in Delhi but specific efforts were not made in that direction. The special May-June session also passed without its formation because its business was such that practically the whole House including Government benches were anxious to pass the Steel Protection Act. But as soon as the members came up for the September session and found themselves faced with a series of important public questions for disposal, the Independents at once sat together and formed themselves into a party with 28 members. Two motives led to its formation. There were some Independents who thought that the Nationalist coalition ought to be put on a stable basis by their organisation, there were others who felt that as every popular vote could be carried only by their help they ought to be able to claim credit for this performance as an organised body and on that basis go back to the country and claim a legitimate share in the achievements of the Assembly.

Government was not keeping quiet all this while and tried in their own interest to divide the Nationalist camp. Communal feelings and agents were set up to bring about the formation of a Parliamentary Muslim party in the Assembly. If there were a Muslim party in the Assembly it would command 40 votes and if the Mahomedan members of the Swaraj party and the Independent party made their allegiance to the Nationalist group subject to their allegiance to the Muslim party, then the Government purpose was achieved. The Muslims would then hold the balance between the Government and the Nationalists. With this aim Mr Abdul Kasem, a nominated member from Bengal, Mr Kabiruddin Ahmed and Sir Abdul Qayyum tried almost with frenzy to form a Muslim group. But wiser counsels led by Mr Jinnah prevailed and there was no likelihood of undesirable elements gaining the upper hand. Sir Alexander Muddiman threw them a bait by promising to re-open a question

which his predecessor, Sir Malcolm Hailey, had assured the Assembly was closed, and to consider the introduction of communal representation in the public services Mr Jinnah knew full well, as a member of the Reforms Enquiry Committee, how anxious his official colleagues were to exploit the Moslems, and frustrated the attempt to form a separate Muslim party in the Assembly subservient to Government

### Legislation.

The official legislative programme of the session was not important as the Government postponed till the next Delhi Session the introduction of highly important measures, including a revision of the Sea Customs Act, enactment of laws recognising Trade Unions and providing for settlement of trade disputes, and the amendment of the Legal Practitioner's Act with a view to give effect to the Bar Committee's report to remove the uncalled for distinctions between vakils and barristers. The Mercantile Marine Committee's Report, the Reforms Enquiry Committee's Report and the Bray Report about the Frontier Provinces was also postponed to be considered in Delhi.

The non-official legislative programme was of a far-reaching character. But unfortunately Government allotted only two days for non-official Bills with the result that out of thirty new Bills hardly more than three could be introduced, of which two concerned labour by proposing to provide for the payment of weekly wages and grant of maternity benefits to women workers. The third Bill introduced was of Mr Neogy for prohibiting the reservation of railway compartments for any community or race. Among the Bills which came under the guillotine were the important measures of Mr Kelkar for providing for the registration of political associations and for amending the provision about the grant of passports, and that of Mr Rangaswami Iyengar for amending the seditious sections of the Indian Penal Code. The inadequacy of non-official days was the cause of grave discontent among the members, and it was only when threatened that all official Bills would be postponed, that Sir Alexander Muddiman secured the grant of two more non-official days for the discussion of resolutions. Great interest was evoked on the second and third reading of Dr Gour's Bill to repeal the Criminal Law Amendment Act. The debate on this Bill was the most heated and one of the best of the session, and it was here that the Government's case was the weakest. Part I of the Act, which provided means for dealing with secret societies, was repealed two years ago, but Part II could not be dealt with then, because all it could do was to proclaim them as unlawful.

The following is a list of the legislative work in this session —

A Bill to repeal certain enactments whereby breaches of contracts by labourers had been made punishable under sections 490 and 492 of the Indian Penal Code in regard to service during a voyage was introduced.

A Bill to re-enact with amendments the Indian Soldier's Litigation Act, 1918, to meet certain exigencies of service in the Indian Army during the great war, was passed by the Council of State. The Assembly referred it to a Select Committee.

A Bill to amend further the Indian Motor Vehicles Act, 1914, to maintain a careful control over breaches of the law relating to motor traffic, was passed.

A Bill entitled "the Indian Criminal Law Amendment Bill" intended to amend the Indian Penal Code and the Code of Criminal Procedure for affording greater protection of boys and girls under the age of eighteen years against immorality was passed.

A Bill to give effect to certain articles of the International Convention for the suppression of and traffic in obscene publications was passed by the Council of State, but the Assembly referred it to a Select Committee.

A Bill was brought in to amend and consolidate the law relating to Provident Funds in order to make more effective the purpose of the existing Act.

A Bill to provide for the better regulation of cotton-ginning and other press factories was circulated for eliciting public opinion.

A Bill to consolidate, amend and extend the law relating to the levy of duties or customs on articles imported or exported by land from or to territory outside British India was passed into law

A Bill to amend the Imperial Bank of India Act was passed. It had reference only to Banking Companies whose capital was expressed in rupees. An amendment to bring within the scope of the Bill Co-operative Banks established under the Co-operative Societies Act, 1912 was passed.

Of the non-official bills may be mentioned —

Dr Gour's Bill to make provision for the better management of Hindu religious and charitable trust proper and for ensuring the keeping and publication of proper accounts of such trusts was adjourned.

Dr Gour's Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908 was passed by 71 votes to 40 defeating all attempts of Government to shelve it.

Mr K Rama Aiyangar's Bill further to amend the Registration Act, 1908 was referred to Select Committee by 42 votes to 38.

Mr T Rangachariar's Bill further to amend the Indian Registration Act, 1908 was circulated for eliciting public opinion.

Mr Rangachariar's Bill to provide that when fire-arms are used for the purpose of dispersing an assembly, preliminary warning should in certain circumstances be given, was referred to Select Committee by 58 votes against 38.

Mr Chaman Lal introduced a Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees.

Mr Joshi introduced a Bill to regulate the employment of women in factories and mines on estates to which the Assam Labour and Emigration Act, 1901 applied.

Mr K C Neogy introduced a Bill intended to prohibit the reservation of compartments in railway trains for the exclusive use of persons belonging to any particular community, race or creed. To his Bills which were still pending before the Legislature, Dr Gour added another when he introduced his Special Marriage (Amendment) Bill in order to correct what he called an anachronism under the existing law.

## Resolutions

The most important resolution of the session was the Government motion on the Lee Report. It was moved by the Home Member in the Assembly on the 10th September and in the Council of State by the Home Secretary on the 15th September, the discussion in the former place lasting 3 days and in the latter 2 days. Government suffered defeat in the Assembly but, as usual, they got the Upper House pass their motion. This debate is given in full on pp 72—88.

## RAILWAY FINANCE

The next most important resolution was in connection with Railway Finance. It came up before the Legislative Assembly on the 17th September 1924 when the adjourned debate on the resolution regarding the separation of the railway from general finance was resumed. The resolution before the House which Sir Charles Innes had moved at Delhi on the 3rd March 1924 ran as follows —

"This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.

- (2) The contribution shall be a sum equal to five-fifths of 1 per cent on the capital at charge of railway 'excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if in any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent on the capital at charge surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines

- (3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in—
- (a) forming reserves for—
    - (i) equalising dividends, that is to say for securing the payment of the percentage contribution to the general revenues in lean years,
    - (ii) depreciation,
    - (iii) writing down and writing off capital
  - (b) the improvement of services rendered to the public
  - (c) the reduction of rates

- (4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget, subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years

- (5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants, and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railway resulting from the vote of the Legislative Assembly will not enure to general revenues *i.e.*, will not have the effect of increasing the fixed contribution for the year

- (6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways

To this Sir Henry Moncrieff Smith moved the following amendment —

"That for the original Resolutions the following be substituted, namely

This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways —

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining

after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good

The interest on the capital at charge of and the loss in working strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

(3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve, provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees, only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one third shall accrue to general revenues

(4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues to provide, if necessary, for arrears of depreciation and for writing down and writing off capital and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced

(5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years

(6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways

(7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible

(8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years"

During the debate several amendments were made (see pp 98—104) and the resolution as finally adopted ran—

"This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the



incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways —

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent on the capital at charge, surplus profits to the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good

The interest on the capital at charge of, and the loss in working strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year

- (3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve, provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues
- (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues to provide, if necessary, for arrears of depreciation and for writing down and writing off capital, and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced
- (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years
- (6) A Standing Finance Committee for Railways shall be constituted of one nominated official member of the Legislative Assembly who should be Chairman and eleven members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than one further nominated official member, six non-official members selected from a panel of eight elected by the Council of State from their body and six non-official members selected from a panel of eight elected by the Legislative Assembly from their body

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue

- (7) The railway budget shall be presented to the Legislative Assembly if

possible in advance of the general budget and separate days shall be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided, shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget if possible.

- (8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years.
- (9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railway to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution.

Apart from the above convention this Assembly further recommends —

- (i) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (ii) that the purchase of stores for the State Railways should be undertaken through the organisation of Stores Purchase Department of the Government of India."

#### RESOLUTION ON TAXATION COMMITTEE

Another important resolution carried against the Government both by the Assembly and the Council of State referred to the Taxation Enquiry Committee (see p 104). There was great and almost universal opposition to the personnel of the Committee. What the country required was not a taxation Committee but an economic enquiry Committee.

#### COTTON EXCISE DUTY

The third resolution of importance was the one urging the abolition of the Cotton Excise Duty. This was moved on the 22nd September by Mr. Kasturbhai Lalbhai, having been adjourned from the 20th March 1924, in the following terms —

"This Assembly recommends to the Governor-General-in-Council to take early steps to abolish the Cotton Excise Duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the tariff board to further examine the question of protection to the Indian Cotton Mill industry at an early date."

The debate was continued on the 24th when it was passed with an amendment of Mr. Neogy that all words after "Indian Fiscal Commission" be omitted (see p 114).

#### LEGISLATIVE ASSEMBLY—3rd & 8th SEPTEMBER

On the 3rd SEPTEMBER the Assembly opened and sat only for some 2 hours for interpellations and official business. As Sir Alexander Muddiman declared, the convening of the session so early was really for the purpose of getting together sufficient number of members for the Select Committees to sit in the next week. He then announced the programme of the session.

Mr Bhore referred his bill amending the Merchant Shipping Act to a Select Committee and Sir Basil Blackett's motion to refer to Select committees the Imperial Bank Amendment Bill and the Land Customs Bill was passed. Sir Charles Innes introduced the Bill for the better regulation of Cotton ginning and Cotton pressing factories. Mr A C Chatterjee then introduced the last Bill on the agenda for amending the Post Office Act.

On September 8th the Assembly sat for over four hours to consider further stages of the three Bills introduced on the 3rd. The question of the Opium policy of the Govt. was raised in a long series of questions. Sir Basil Blackett obstinately defended the shameless policy by laying the blame on those countries which were importing Opium from India.

A Select Committee on the Cotton ginning and pressing factory Bill was moved by Sir Charles Innes but on the motion of Mr Aney the Bill was sent for circulation. The Land Customs Bill was then sent to a Select Committee and Mr A C Chatterjee's Post Office Amendment Bill was passed.

### SIMLA—10TH SEPTEMBER

#### Resolution on the Lee Report

On the 10th September the galleries were packed in the Assembly and utmost enthusiasm prevailed on the forth coming debate. Question time produced a little preliminary skirmish of the Nationalist with the Government over Mr Ramchandria Rao's question regarding the publication of the evidence tendered before the Lee Commission. Government declared that the Secretary of State had decided not to comply with the Assembly's request to publish the evidence.

Sir Alexander MUDDIMAN then rose and moved his resolution on the Lee Report and spoke for an hour from his printed speech.

The Resolution was in the following terms —

This Assembly recommends to the Governor-General in Council, —

- (1) that the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved—
  - (a) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should, so far as future recruits are concerned, be appointed and controlled by local Governments.
  - (b) that recruitment of Indians for the Services in reserved fields should be increased as recommended.
  - (c) that having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act and to enact such legislation as may be necessary.
- (2) that pay, passage, concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended, and
- (3) that the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governor's Provinces be accepted in principle subject to—
  - (a) the employment in the province of an adequate military reserve.
  - (b) the provision of adequate medical attendance for British officers in the Civil Services and their families and
  - (c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the army.

Realising that he would have a sensitive Chamber to address, SIR ALEXANDER avoided fireworks. His speech was delivered almost entirely from manuscript. It was more in the nature of a carefully prepared memorandum on the Lee Report than an oratorical exposition of the Government's case. Now and then Sir Alexander broke away from his paper and elaborated a point with a homely turn of phrase which prevented monotony. It was clear that if by any chance reasoned argument could prevail, he was ready to assist. He appealed to the Assembly as a fair-minded House, not to let its judgment be clouded by the knowledge that the Lee Commission had been appointed against the wish of its predecessor. He emphasised the weight of the Commission's authority, presided over by an ex-Cabinet Minister, who with two of his colleagues had no Indian interest past or future, and containing only one active Service member, as well as four Indians of distinction and "the last of the Lieutenant-Governors." They had come to an unanimous finding and that in itself suggested that the compromise effected was of value.

Then came a little disquisition on the status of the Public Services. In no country did they come in direct contact with the Legislature, between which and them the Government acted as a buffer. Even in England nine-tenths of the day to day administration was carried on by the Services. There was no Legislature, however much informed with wisdom, and no Government, however able, which could function without the Services. Indeed, without the Services they would be like a man without arms. So, if they disagreed with the Government's policy, let them criticise the Government. The Government had a broad back and it was there to be hit, but let them leave the Services alone.

And what was to happen to these Services under the Lee proposals? All but the two security Services and the Irrigation and the Forest Service (the last excluding Bombay and Burma) were to be provincialised. For the sake of argument he would take provincialisation to mean Indianisation. What was the final picture? Eventually there would be only 1,300 British officers in the All-India Services, including doctors and the military medical reserve, and of the 675 Englishmen in the Indian Civil Service, less than 400 would be filling posts of major responsibility and the remainder would be under training or on leave. Was that excessive in a country of 300 million people?

Here the Lee Commission had indeed gone to the very limit of safety. He did not want to lay too much stress on communal differences and provincial feeling. He had been told they were lessening. He had been 25 years in India and had seen no signs of it. He did not believe that the country could afford or wanted to dispense with British officers. He had heard it suggested that British recruitment should be stopped only for a time. Did they think that once stopped recruitment could be revived?

The Home Member marshalled his arguments with great thoroughness. His explanation of the rise in the cost of living in the days before the war necessitating the appointment of the Ishington Commission, of the causes which rendered the belated and partial adoption of that Commission's proposals inadequate, because within a year the basis on which it had rested was shattered by the crash in the rupee exchange and of the further rise in the cost of living since the War, was smoothly and unanswerably developed. The Commission's finding should be regarded as the verdict of a jury.

He briefly explained how the Government proposed to give effect to the proposals by stating where they differed from the Commission. Amid roars of laughter from the benches round him, the Home Member stated that the Government did not agree to increase the pensions of Members of Council and Governors. They deferred consideration of the medical proposals, as already explained, the matter being very complex. They proposed to extend the award of overseas allowances to administrative officers drawing Rs 3,000 and under, thus steering a middle course between the divergent views of the European and Indian members of the Commission. They had decided to state the overseas-pay straightaway in sterling, in order that the officer might be protected against loss when the rupee was below 1s 4d and the Government might benefit when it was over that figure.

Incidentally the Lee Report was approximately accurate in its estimate of

the immediate additional cost of its proposals, but had under-estimated the eventual saving owing to increased Indianisation. But we are to hear more on that point from Sir Basil Blackett, just as Sir Narasimha Sarma is going to speak on the Medical Services. The refusal of increased pensions to Governors was justified on the ground of uniformity and on the principle of affording relief to those who needed it most. The Home Member's reference to recruitment was brief but telling. The Indian Civil Service was 75 per cent under strength. The Lee Report's recommendations, reducing as they did the British element, yet required 22 British officers each year in that service. But in the last examination only 21 British candidates had been forthcoming, as against 200 before the War, and the years 1921, 1922 and 1923 had produced only 20, 19 and 38 candidates respectively. Financial considerations played an important part in recruitment and he maintained that if they recruited Englishmen those should be good Englishmen. In this matter the British Parliament was anxious. This was a great occasion, a great opportunity. Would the Assembly rise to it?

It had been suggested that the British were actuated by a desire to obtain posts in India for their relations. On the basis of the Lee Report the number of posts would be 45 annually. That was no more than a large British firm might recruit in a year. Was an Empire like the British Empire likely to be obsessed by such trifling considerations? Were people like the British likely to take such a line? Lord Lee had recently stated that if his proposals were adopted he would assist in recruitment and there were indications that, given a favourable atmosphere, recruitment would improve.

Sir Alexander concluded with a telling peroration. He did not base his claim on an appeal for the Services, but he had seen it somewhere stated that British officers constituted a horde of mercenary officials battering on India. The gibe stung. He did not trouble about his own Service. History would pass judgment on it. But was it really in that light that Indians viewed the other Services? What about the doctors, the engineers, the police, who had spent their lives, laid down their lives in the service of India? He felt comforted, however, that there was no sting in the word 'mercenary', for they were mercenaries in the same way as that great army of whom it is written, "These on the day when heaven was falling, the hour when the earth's foundation fled, followed their mercenary calling and took their wages and are dead." The speech was warmly applauded.

#### PT MOTILAL'S AMENDMENT

When the Assembly resumed after lunch Pandit MOTILAL NEHRU moved his amendment on behalf of the Nationalist party and dealt with its clauses one by one and explained the justification for them.

The amendment runs —

"That having regard to the following among other facts viz ,

- (A) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the resolutions passed by the first Assembly
- (B) That all the questions affecting the Civil Services are inseparably connected with and entirely dependent upon the larger question of the grant of Responsible Government to India and cannot be entertained and satisfactorily dealt with unless and until the resolution of this House on Responsible Government, adopted on the 18th February, 1924, is substantially complied with
- (C) That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronistic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India, which are widely different from those prevailing when it was inaugurated
- (D) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of Government, both Central and

- Provincial, and the present position, powers and functions of the Secretary of State, the Governor-General and the Governors of the Provinces would continue indefinitely
- (E) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer the items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items
  - (F) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services
  - (G) That the said recommendations make the extraordinary provision that the officers appointed to the All-India Services after 1919, as also those to be appointed hereafter, shall have the guarantee against and compensation for being transferred from the Reserved to the Transferred field of service—a contingency which they must be taken to be well aware of when they were appointed. The said provision is moreover likely seriously to prejudice the development of the constitution
  - (H) That the enquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bold recommendations of the Commission are based was allowed to be tendered, and accepted in camera and no material evidence is either indicated or made available to this Assembly

#### RECOMMENDATIONS

- 'This Assembly recommends to the Governor-General-in-Council that the recommendations of the Royal Commission on the Superior Services of India be not accepted and this Assembly further recommends that instead of the recommendations, referred to in clause (1) sub-clauses A, B, and C and clause (2) of Sir Alexander Muddiman's resolution, so far as the latter relates to future entrants into the Civil Services, being approved, the following steps be taken in respect of the future recruiting and control of the Services, namely
- (1) That all further recruitment in England for the Civil Services in India, including the Medical Services under the existing rules be stopped
  - (2) That the Secretary of State be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services now vested in him to the Government of India and the local Governments, such powers to be exercised under laws to be passed by the Indian and Local legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowance and discipline and conduct
  - (3) That a Public Services Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a Committee elected by this Assembly
- 'This Assembly is unable, in view of the present financial condition of India and on the materials before it, to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services and cannot with due regard to the interests of the tax-payer assent to the imposing of the fresh burdens on the already over-burdened finances of the country, but in view of the financial relief involved in the stoppage of all recruitment outside India under the existing rules as recommended above, this Assembly recommends that instead of approving the recommendation contained in clause (2) of Sir Alexander Muddiman's resolution, so far as it relates to the present incumbents, the Governor-General-in-Council will be pleased to take steps to enable this House to elect a committee to go at once into the entire question on all the materials available to the Royal Commission including the evidence taken in camera and to make its recommendations to this House as early as possible."

In moving his long amendment, Pandit Motilal made it clear at the outset that it was a Nationalist Party amendment. He congratulated the Home Member on the great ability and perspicacity with which he had dealt with the subject in his resolution. But Sir Alexander had not placed before the House any new material which was not known to them before he made the speech. The Pandit dissented from the Home Member on the latter's points that the recommendations were the result of a compromise and that the Indian members on the Commission were representative Indians. He asked, who elected the Indian Members on the Commission and whom did they represent and what position did they occupy in the public life of India? Sir Alexander had asked the House to take the Commission's Report as the verdict of a jury. As one acquainted with the jurors, the Pandit asked where was the evidence taken in open court, when did the judge lay all the facts recorded before the jurors and ask for their verdict? In the absence of these factors the verdict of this Commission meant nothing. The objections of the Assembly and the people to the adoption of the Report vitiated the whole of the proceedings and went to the very root of the recommendations of the Commission.

The Pandit referred to the Government resolution which wanted the Assembly to accept in principle the recommendations of the Commission which were a string of "ipse dixit", based on evidence which were shut out of the House. He was glad that the Government only accepted the recommendations in principle because that showed that they did not accept the recommendations in the form and to the extent which was laid down. That being so, the Pandit confidently asserted that there was not a single recommendation of the Commission which had been accepted by the Government as it stood without any qualification or modification. Then again Sir Alexander Muddiman only wanted that financial proposals should be approximately given effect to. The principle of the recommendations was that the existing Services should be paid more money and be better treated than at present. This principle was known to Indians long before the galaxy of President and Members of the Royal Commission met together and spent five lakhs of the tax-payers' money. The Government resolution was in effect a demand for a free hand to do what they pleased, because everything could be justified as coming under the principle referred to, but the whole country urges the Government not to accept the recommendations of the Commission.

The "Pioneer" (which was the great champion of official world both here and in England) had itself admitted in its issue of 8th September that as regards the reorganisation of Medical Services, the Government could not recommend acceptance of the principle of these proposals without considerable reservation, that there must be a complete review of the whole question involved and that the scheme in the present state of recruitment would be quite impracticable.

As regards the first clause of his own amendment that the Commission was appointed in utter disregard of the first Assembly's views, the Pandit referred in detail to the history of this matter and said that the Royal Commission was forced on the country in spite of the protests of the first Assembly, which had the backing of general opinion in the country and in the press. In that debate it turned out that the Government of India itself was at one time opposed to the appointment of the Commission, but the Government of India had to baffle before the will of the Government in England and it was but natural that the Governor-General should have certified the amount asked for it. On these facts alone, the Pandit would have refused to look into the report. But the present Government in England and the present Secretary of State were not responsible for their previous Government. The present Government in England in the debate in the House of Lords had asked Indians to base themselves on the merits of the Report. That was why they went into the merits of the question and after consideration and discussion they said that the recommendations of the Commission should not be accepted. But, let it be remembered that the Congress (including Swarajists) and Liberals (including the Moderates) had both pronounced against the procedure and were from the beginning opposed to the constitution of the Commission. If any strange Liberal here and a strange Liberal there gave evidence before the Commission it was in his own personal capacity. "I put it to the Labour Government to place themselves in our position and tell us how they would treat the report."

Dealing with the second clause, the Pandit said that the Civil Services were inseparably connected with the question of the grant of Responsible Government. It was impossible to conceive how any Service could be properly organised or rules framed for its maintenance until the Indians knew the master these public servants had got to serve. Indians claimed the right to lay down the policy and to enforce it and if the Public Services would not carry them out, then they had a right of exercising their disciplinary jurisdiction over them. He asked whether the policy which the Government was now pursuing had any relation whatever to the grant of Responsible Government. At the rate at which they were going he feared it would take hundreds of years for Indians to get Responsible Government. "We do not want simply a brown bureaucracy to be substituted for a white bureaucracy. We want substantial powers in the administration of the country, and if our White friends will agree to stay on and take part we shall be glad to have them (hear hear). But the system of the Services is now the same as it was in 1813, and in the year of grace 1924 the old "man bap" system exists. The "ma bap" principle will not help you any longer to govern the country. It must give place to "Bahin Bai" system. That is, we want to treat you as brothers and sisters, but no more of your "ma bap"."

Proceeding, Pandit Motilal Nehru approvingly quoted from the "Times of India" Bombay, of a recent date, in which it was stated that the system by which the Public Services were recruited was not what the country really required and there was no justification for perpetuating a regime which was introduced at a time now long past. The Pandit maintained that the system was antiquated and anachronic. But he denied any member of this House or any Legislature had said that the European servicemen were hordes of mercenary officials. At the same time, he would call Sir Alexander Muddiman as an anachronism (laughter). He knew that Englishmen were able. But were they wanted—that was the question which must be faced. The Pandit then referred to the passage allowances and provident funds which were made non-votable and asked whether that was the way to advance Self-Government in India.

The speaker then dwelt on the non-publication of evidence tendered before the Royal Commission and objected to the argument that because the bulk of the evidence was given "in camera" therefore the whole of the evidence could not be made public. The Commission ought to have examined "in camera" only those witnesses who had divulged certain State secrets and they ought to have insisted on taking the evidence of the witnesses generally in public. Instead of that, what had happened? From the "Madras Mail" it appeared that the Commission asked the Secretary of a Service Association to give his evidence "in camera" while he was prepared to give in public, and it further appeared that the other members of that Service Association protested against their Secretary having accepted to be examined "in camera." The Pandit quoted another case in which a Service Officer of Madras sent in his memorandum containing views independent of his Association. He wanted to be examined in public while the Commission insisted on examining him "in camera." The result was that he was not examined at all. He maintained that the Royal Commission failed to take evidence in the proper manner and therefore he was not prepared to admit the contention that much of the evidence was "in camera" and that it should not be published. The Pandit pointed out that the standard of recruitment of Europeans should not be that a certain proportion should be retained but because a certain kind of work was to be done for which Europeans were specially qualified. He could not therefore accept the "obiter dicta" of the Lee Commission as regards recruitment.

Concluding the Pandit said "The Government of India Act, 1919, was a departure in the art of governing the subject races. It is said that as India is progressively entitled to Responsible Government, something must be done to the Services. You know that there were some cynical people who ungraciously examined the gift horse in its mouth. But no sooner did they examine than it was found that it was a hollow wooden horse, (Laughter). The most venturesome of cynical people refused to ride the horse, They set out in right earnest for the real horse even if they lost their saddle. The less venturesome of them tried to ride, if they rode it, they shook themselves violently on it. But it was fixed to a steel frame underneath and it refused to rock (laughter). In their



disappointment they had to ask for the removal of the steel frame so as to give a little play to the wooden horse. Their request was listened to and a Royal Commission was appointed and Indianisation was promised. But, what it is that was done? Some screws and nails were taken from the front and fixed behind with the result that the horse is still immovable. The whole attempt in the Report is to stave off the evil day as long as it can be done and meanwhile dig the foundations of British rule deeper and deeper so that when the day for Swaraj actually comes there will be nothing to hand over (hear, hear). I feel therefore that this House should not encourage that feeling by accepting any of the recommendations of the Commission, but throw them out in their entirety" (loud applause)

#### SIR CHARLES INNES

At about quarter past four the Pandit had finished and Sir CHARLES INNES rose to give the Assembly a taste of his fighting qualities. No lawyer, he could not interest himself in Pandit Motilal Nehru's dialectics, but he came like a keen summer breeze into the Assembly Chamber and brushed aside vigorously the evasive protests against the Lee Commission's appointment and against acting on the Report until the constitutional enquiry was completed. First, the Assembly should not treat lightly the Report of a body appointed by the King. Secondly, the Lee Commission had not been asked to report on the Constitution but on the Services. If the Pandit and his friends wanted to discuss constitutional issues, there was no use continuing the debate.

Ironical cheers greeted this direct challenge. The question was not, said Sir Charles Innes, whether dyarchy was bad, so why continue the debate? Amid the renewed cheers, Sir Charles was asked what effect the proposals would have on any Constitutional change. "No effect at all," declared the Commerce Member and then proceeded to try and shake the Assembly from the placid dream conjured up in its decorous slumbers on the green leather benches in the white halls of Simla and Delhi. Whatever form of Government there was, the business of the administration would go on. Leaving the chair alone for a moment, Sir Charles spoke direct: "You gentlemen find changes here but in the districts there is remarkable little change."

Perhaps it was an extravagant estimate to say that five millions of the people cared about politics. At any rate it was a conservative estimate that 240 millions were not at all interested. They only wanted to be governed. Whatever the British might do in India, when they left they would endeavour to leave behind a strong, efficient, pure and incorruptible administration and it was with that end in view that the Lee Commission had reported. Quoting old time salaries Sir Charles declared that the mouth of officials watered when they thought of them. They did not want it to be forgotten that there had been a war. They did not expect to live again the glorious nineties but when the cost of living had risen 100 per cent and the increase in pay had been only about 10 or 11 per cent in one Service alone, it was obvious that relief was necessary.

And in discussing the Commission he regretted to find the Pandit casting aspersions on the Indian members, who were men of great public spirit and it did not become the Assembly to condemn the performance of their difficult task because they had not been elected by the Legislature. Whatever had happened in the Government, there had, as he had said, been remarkable little change in the districts. The district officers, it was true, advised where they formerly controlled District Boards and the like, but they would always be required, especially in a country of vast distances and great expanses. The Pandit might describe personal Government as "ma bap Government," but the fact remained that the people, the real people of India liked it and the District Officer would have to exercise it so that he was available to hear and settle the people's grievances.

Sir Charles reminded the Assembly that no country could be great without having a respect for law and order, and in that respect there had been a tendency to sap in recent years. It was a serious matter in India, where there was much inflammable material in communal, racial, religious and caste differences, which might at any time cause a conflagration. Was it likely that the Assembly would persuade Parliament that the Englishman was unnecessary.

He reminded them that only recently the depressed classes had petitioned for more British officers. In the short space of about 20 minutes, Sir Charles Innes had brought the Assembly face to face with the real facts of the case, and he was warmly cheered by his European non-officials as he sat down after a speech in which he had completely exposed what he called the unreality of the Pandit's position.

Sir Charles Innes thanked Pandit Motilal for offering the Olive branch but regretted that the Government could not accept it. The Commission appointed by the King deserved respectful treatment. The Commission was not asked to consider whether dyarchy was workable or whether provincial autonomy be granted. It did its job regarding the position of Services well while at the same time it kept in view the possibility of constitutional changes when it recommended that, when reserved services are transferred to Ministers' control, officers serving in them should be allowed certain rights. He felt that if the House was not desirous of discussing the report on its merits there was no use carrying on the debate. Replying to Mr Jinnah's interjection Sir Charles opined that the report would not effect any constitutional advance. As for Pandit Nehru's remarks that they were trying to dig the foundation of their rule deeper and deeper he said "There is one thing that the Government can, will and should hand over to India when she gets Swaraj, namely, a strong, thoroughly efficient and incorruptible Public Service and that is one of the main objects of this Report (loud applause). As for the fact that the system of services had lasted so long, he said it was a question of survival of the fittest. When he considered the scale of pay of Collectors in 1913 it simply made his mouth water (laughter). They could change the Government of India but he emphasised that they could not change the people of India who liked personal rule and whatever system of Government India might have, she would have to maintain a service like the I C S so that the District Officer might be the Chief Agent of the Government in the district taking personal interest in the welfare of the people. The unitary system would have to be maintained. Moreover a strong Service was needed to maintain law and order. India was full of inflammable materials with so many diverse communities and races inhabiting her. The mind of British Parliament had been exercised by demands of some Indians for the entire stoppage of British recruitment. On the other hand, representatives of the depressed classes before the Commission had asked for more European officers rather than less.

Next day, the 11th September the debate was continued when Sir B N Sarma on behalf of Government expressed their views about the Medical Service.

Colonel GIDNEY made a strong plea for a definite statement from the Government on the status of his community. The Lee Commission had studiously refrained from mentioning the word "Anglo-Indian" and the community was perturbed at its prospects in the changing conditions of India. [This plea was later endorsed by Colonel Crawford, making an interesting maiden speech.] Colonel Gidney showed that the perturbation was justified. He quoted only four examples. An Anglo-Indian Deputy Superintendent of a nursing institution had been saved from dismissal in order to make way for an Indian only by the intervention of Lord Lytton. 28 Anglo-Indian employees of a railway company had been dismissed *en masse* and their places filled by Indian ex-sepoys purely on the ground of Indianisation. A Major of the Indian Cavalry on retirement, had been refused permission to join the Indian Army Reserve because he was an Anglo-Indian. Three sons of a prominent European in Burma, boys who had been educated in England, were rejected by the military authorities at Rangoon for the Reserve on the same grounds. In what category was he to consider himself? Later he answered the question by calling himself an Indian, amid cheers. Turning to the medical proposals of the Commission he strongly condemned them and asked the Government to appoint a Committee to examine the whole subject. Mr Burdon in his speech explained that the Government had come to no decision on the subject and Sir Narasimha Sarma, who had preceded him, said the same thing adding that the Government would welcome any criticisms or suggestions on a complex problem.

Sir NARASIMHA SARMA'S speech not only dealt with the Medical proposals, but it touched on the general recommendations which the Government were accepting. He realised that there was a fear lest the question of a constitutional advance should be prejudiced by action on the Report that has been removed by the Home Member's speech. He knew too that the financial burden involved was criticised, but it was only fair to say that British officers serving under him had complained of financial embarrassment. There had been an appreciable number of retirements on proportionate pensions and there were difficulties in recruitment, difficulties which no doubt were partly due to the effects of the War. But he appealed to his fellow countrymen to weigh the far-reaching Indianisation proposal against the financial factor. The Lee Report had laid down the new principle of bringing the Service working in a transferred field under the control of the Local Governments. Whatever doubt there might be whether those proposals would tend to further national consolidation, there was no doubt that they had merits which deserved recognition. Let the Assembly note that in future Ministers would not be able to say that they had no control of the nation-building departments. During a transitional period no doubt the rights of vested interests would limit this control in some respects, but vested interests could not be sacrificed without compensation and for some time India would want the help and guidance of those officers who had played such a great part in building up national industries, such as agriculture. The Report removed a source of irritation, and he believed that when the Ministers had full control they would appreciate the need for getting the best men and indeed for extending recruitment of Englishmen to the departments under them.

He explained that the medical problem involved the absorption of 195 officers as a War Reserve. That was absolutely necessary and his experience as a member of Council showed him that provincial and communal jealousies greatly embarrassed the Government of India in filling posts. It was, therefore, desirable to have a leaven of British officers well in touch with the latest medical science trained to the discipline of the Army, for they would best form the War Reserve which, so long as India was exposed to the risk of attack, was necessary.

This point Mr. Burdon after lunch elaborated by stating that the existence of 5,000 miles of Frontier, much of it requiring special watching, made the maintenance of the Army in India on an active service basis essential. Hence the need for the War Reserve.

Sir SIVASWAMI AIYER said that he was not for the wholesale rejection of the Report nor did he desire the disappearance of the British and was prepared to grant such relief as the circumstances justified. He thought the members of the Commission were as competent as any member in the Assembly and conceded that they approached their work in fairness and with a desire to solve it. He however felt that there was an intimate connection between the question of the organisation of the Services and constitutional reforms (Hear hear). But he was glad to hear from the Government that they considered that the Report would in no way prejudice the consideration of the constitutional issues. As for the organisation of the Services, he believed that the Forest and the Irrigation Services could be safely transferred and that there was no insuperable difficulty in transferring those subjects. He was however emphatic that the I C S, and the I P S, should continue as All-India Services. He believed that every sane Indian desired the maintenance of a proper standard of administration, but at the same time they must devise a measure to use the talents of the people of the country and develop it. He conceded that at present they should aim at making it half and half European and Indian element.

He claimed to be a practical politician when he urged that the British recruitment be stopped because it would take ten to twelve years even with the existing element to attain equality in the cadre. He said that constitutional changes were impending and who could say that within the next ten years there would not be any constitutional advance? Was it then, he asked, fair to the English recruits to ask them to enter the Services with this cloud of uncertainty hanging over them and then promising them compensation for this uncertainty by way of a right of retirement on proportionate pensions? Was it fair to India to

recruit more Europeans when they were already in such a large number? He believed that the country would invite them when it needed them and he hoped that they would come to India as hitherto when needed. It was contended that the stoppage would produce a gap in the British official hierarchy, and that by the time the new British Officers came on the resumption of recruitment the senior British Officers would retire and that the senior officers would be Indians. He hoped that when Indians had served so long under British seniors the Britisher would not object to serve under an Indian.

As for Medical Services, he from his past experience of the War Office would say, the less the control of the War Office the better for India. The R. A. M. C.'s door was not open to Indians. How could they then entrust it with military work wholly? He fully recognised the necessity for providing a military reserve, but suggested that it could be maintained in the Provincial Medical Services by providing for a compulsory medical training to the required extent. Moreover the efficiency of the I. M. S. on military work had been questioned by the Esher Report. He considered it natural that the Britisher should desire the attendance by British Doctors, but what he questioned was as to why the basis of organisation of the service in this particular Service be adopted not according to the needs of the population but to cater for the needs of the Officers scattered here and there? He wanted that the Provincial Medical Service should absorb 75 per cent of posts held by the I. M. S. Officers in civil employ, that the I. M. S. be so organised as to cater to the needs of Indian Units of the Indian Army and to provide officers to fill up 25 per cent of the Civil Posts now held by the I. M. S.

As for financial relief he felt that it would not be fair to put off the Service by promising another enquiry. He would grant them some relief though not all that the Commission recommended.

Mr BURDON, Army Secretary, said that attention had been diverted by some speakers from the central issues of the Report. The question of Military Medical organisation was plainly outside the scope of the consideration of the report. The Government have arrived at no conclusion and had not even considered the matter of Military Medical Service. He was glad to find that Sir Sivaswamy Aiyer had admitted the necessity of having a trained Military Reserve. India had a Frontier of 5,000 miles, and because of its peculiar circumstances, had to maintain the army almost on an active service basis and the necessity for Military Reserve was consequential. He said that the Government were carrying on retrenchment as recommended by the Inchcape Committee. The cadre of the Service would be reduced by a process of reducing wastage and economies in respect of hospital expenses were being carried out.

Mr Burdon strongly objected to the remarks of Colonel Gidney disparaging the efficiency and the bonafides of General Burtchell who was till recently the Director of Medical Services. Charges had been made by a member of a sister organisation on the distinguished officer of the R. A. M. C. The General had gone to England. He was quite capable of defending himself if he were in India, for his work in India was in his departmental capacity. He endeavoured to secure for the Indian troops the same degree of medical care and attention which for many years had been given to British troops.

Mr RANGACHARIAR claimed to be a practical man, but he did not believe in too much sugar-coating his pill (Laughter). His difficulty was that the various proposals were inter-dependent, and when he examined the Report he found that he had either to accept the whole or reject the whole. There was no question of accepting some part and rejecting the other, as Sir Sivaswamy Aiyer had proposed. He saw that the Home Member had repeated Lord Lee's remark that the Commission was in the position of a Jury whose verdict His Majesty's Government should as Judge accept. If he said that the Government were accepting the Report, why did they ask the Assembly to waste time by debating it? He was however willing to concede that the Labour Government was genuinely desirous of ascertaining the Indian feeling. He said that the Report would result in adding a crore and a quarter of additional expenses and he pitied the Government of India who were accepting that obligation without looking into the material on which the recommendation was based. The members of the Commission were able men, but the Assembly Members were also blessed

with intelligence Was it that wisdom and judgment was to be found only in those gentlemen? (laughter)

As for the financial proposals, he said that when the revision of 1919-20 took place prices had already reached the high water mark, and all factors were then taken into consideration and that a total increase of over a crore in emoluments were sanctioned There was absolutely no mention of the fact that exchange consideration had anything to do with the revision Did any sane man, either Indian or English, think that exchange would continue at that level? (Laughter) If he did, the speaker would challenge his sanity (renewed laughter) But as soon as Mr Montagu resigned, his successor explained that considerations of exchange were there The speaker mentioned that even the King-Emperor's Budget had not been increased due to the high prices Now that prices had fallen, they were asked to sanction an increase costing another crore and a quarter They must, in the interest of the tax-payer and in justice to their constituents, examine closely every bit of fresh expenditure

As for the grant of passages, they were introducing a dangerous precedent A Madras Officer who came to Simla from 2,000 miles away might as well claim the expense of journey to his home As for medical attendance, if British Officers insisted on British Doctors, a Muhammadan would insist on a Muhammadan Doctor and he, as a Brahmin, would like to have a Brahmin Doctor (Laughter) Where would it all end? They were however prepared to examine the legitimate grievances of their English friends

Mr SHUNMUGHAM CHETTY said that whatever the personnel of the Services they would serve to offer obstacles to constitutional progress The acceptance of the Commission's Report would further enhance the difficulties in this respect Already there were too many safeguards and guarantees given to the Services by the Montagu-Chelmsford Reforms The terms of reference of the Lee Commission were fundamentally defective That was why the House found it difficult to accept it The principle underlying the report is deep distrust of the Indian Legislatures which was evident from the safeguards provided He criticised the action of the Indian Members of the Commission who thought that they had secured a victory by ensuring more posts for Indians Indianisation was not the end but a means to an end

Col CRAWFORD, representative of the Bengal Europeans, in his maiden speech, pointed out that he was a constant critic of Government policy and was not opposed to the legitimate aspirations of Indians and their country (applause) But he honestly differed in his opinion as to the method of progress He was glad to find support for his amendment from unexpected quarters He had advocated the deletion of the qualifying words 'in principle' and 'approximately' from the Home Member's resolution, and Pandit Motilal had also taken objection to those words (laughter) though for a different reason He was glad to receive Sir Charles Innes's assurance that though those words were used, the Government intend to accept the Report not merely in principle but also in details His experience of the Government of India was that a very just and reasonable demand was accepted in principle only to be turned down by the Finance Department whose only duty appeared to be to refuse all demands

As for Pandit Motilal's amendment, the speaker emphasised that the maintenance of the European element in the Services was one of the safeguards under which the Government of India Act was approved by the various minorities in this country The Home Member in his speech had referred to the state of apprehension among Muhamedans The speaker knew from personal knowledge that the members of that community realised that they were backward Unless there was the British element they had little chance of getting their share in the administrative services He felt that if the House passed the Report without any reservation, it would establish an irresistible claim for further powers It would prove itself capable of looking after the Services and show that there should be no fear if the Services were controlled by it On the other hand, if the Pandit's amendment was carried, the House would show that it was not a civilised body.

Mr RAMACHANDRA RAO took objection to that remark and raised a point of order.

The PRESIDENT —It seems to me to be entirely what interpretation you place upon the word 'civilisation' (laughter)

Continuing, Col Crawford said that the House was representative to some extent of the intelligentsia of India, but it did not represent the voice of the people of India. When there was communal riot, both Hindus and Muhamedans wanted British troops to restore quiet and a British Magistrate to try the case. The Assembly did not represent the voice of the depressed classes who cheered the Prince of Wales. It did not voice the opinion of the Commissioned Officers of the Indian Army who refused to serve in Indianised Regiments.

Proceeding, Col Crawford said that he believed the people of India desired to retain the European element in the Services. (Voices we do not deny that.) The Colonel further explained the financial difficulties of the Officers. He himself served in the Army for 20 years and left it because his pay could not meet his expenses. He had no doubt that other Officers were in a similar position. As for Indianisation, he voiced the grave misgivings which the European community felt at the rate of Indianisation proposed by the Commission, but as the Commission was in the position of an Umpire, they were prepared to accept its recommendations. The British Officer was needed because of his recognised efficiency, honesty and impartiality. He said he was sometime back sent to Russia as Assistant Food Controller. He found that as a result of Communism, real men of ability had been replaced by Tom, Dick and Harry, and these men did not know how to distribute food among the famine-stricken people. The speaker emphasised that the Britisher's demand for attendance by men of his own race was reasonable. He personally got treated by Indian Doctors but where prejudice existed, it should be met. He appealed to the Government that if the terms proposed did not attract British recruits then, the matter should be further considered.

Dr GOUR, in the course of a lengthy speech supporting the amendment of Pandit Motilal Nehru, criticised the non-publication of the evidence given in public. He asked how could a settlement be made regarding the pay and prospects of the Civil Services unless they know what would be the future constitution of the country. He asked why the Government should not give a bonus to the I C S Officers on the index system as was prevalent in the case of the Home and Colonial Civil Services.

At this stage the Assembly adjourned. Next day, September 12th, the debate was resumed. After Mr Calvert, a Punjab official had spoken——

Sir PURUSHOTTAMDAS THAKURDAS said that Sir Charles Innes had appealed for the consideration of the Commission's Report, because it was appointed by the King. He said the King was a constitutional monarch and could do no wrong to his subject, except on the advice of his Ministers. The Report could not therefore be considered on sentiment. As for the Home Member's reference to the horde of mercenaries, Mr Chetty had suggested that the Home Member perhaps referred to it only to fit it in with his last quotation. The speaker paid a tribute to the work done by the Services. He admitted the Services had done well by India, but India had also treated them very well.

Sir ALEXANDER MUDDIMAN, interrupting, pointed out that he referred to the hordes of mercenaries not for the reason suggested by Mr Chetty, but because he felt it.

Sir Purushottamdas said he quite appreciated the feeling. Proceeding, he quoted passages from the speeches of Lord Inchcape, Lord Curzon and others from the recent debate in the House of Lords on the question of the Services and commented that the only thing these Lords were anxious about was to maintain the supremacy of England over India. Lord Lee made much of the compromise. So far as the speaker could judge, the Indian Commissioners gave the substance away in return for the shadow. He was still waiting to hear from the Government whether they accepted the report of any Committee without examining its evidence as they were doing in the case of the Lee Commission. He was surprised that only 35 per cent of the witnesses elected to stand the light of public examination. Mr. Calvert had

suggested that the Services had nothing to hide and Pandit Motilal had shown that private hearing was forced on some by the Commission. He wished the Commission or the Government had told the House how the rise in the cost of living in India compared with other countries, what increases did other countries sanction for their services, the increases given by the average commercial firm during the period of trade boom and the cuts made since 1921, and average increases granted to provincial and subordinate services. He also wanted information about the time scale, leave rules and changes in Pension Rules. Without such materials the Assembly could not decide whether proposed increases were justified.

Proceeding, Sir Purushottamdas stated that the comparison made by the Lee Commission about the position of the employees in the mercantile offices was very misleading. Even Lord Inchcape, who participated in the debate on the invitation of Lord Lee, admitted that the emoluments in the firms were regulated by the display of individual ability and merit. The speaker emphasised that the prospects in the firms were entirely dependent upon the conditions of trade and merit and that not all rose to high position. In the case of service everyone rose by the ladder of the time scale. Then again the Services had security about their pensions and other prospects which the employees in mercantile offices did not enjoy, and further where could the employees of a firm ask for proportionate pension?

Sir CHIMANLAL SETALVAD referred to the atmosphere of suspicion and distrust both on the side of Europeans and Indians. He regretted the existence of such an atmosphere and said that the association of the European element in the Public Services was not only desirable but necessary even when India attained Self-Government. But the constitution of the Services was a matter to be determined not by some authority six thousand miles away, and Sir Chimanlal referred to the fear in the Indians' mind that so long as the Services were manned by Europeans, their hopes of attaining Self-Government were frustrated to that extent. Indians desired that the Services should be in the real sense Services as they were in other countries, and not as masters and arbitrators (hear hear). That was the problem before the country and Sir Chimanlal asked if the Royal Commission had succeeded in solving that problem (cries of no). He did not blame the Commission for arriving at a compromise because compromise was the essence of politics, but the problem of making the Services real services and not masters had not been tackled.

In view of the growing needs of public economy, a basic salary for Indians should have been fixed at a level lower than the present one, and the basic salary for Europeans should also have been fixed. There was a desire on the part of India to get rid of the British element than whom a more loyal, devoted and hardworking lot it was difficult to find and Sir Chimanlal agreed that it was necessary to give them security of tenure, but there was the question of constitutional change which must be tackled, if not immediately, at any rate in 1929 by the Statutory Commission, and any recruitment in Britain at present would only complicate that issue if the recommendations of the Lee Commission were at once adopted. He therefore urged that recruitment of European element should be stopped for the present. He recognised the need of granting pecuniary relief to the existing incumbents and therefore he suggested that the recommendations of the Lee Commission should be put into execution for that purpose.

Mr JAMNADAS MEHTA also urged that Services must not be masters. A concrete suggestion put by him was that the successors of the occupants of the first row in the Treasury benches (Executive Councillors) should not come without the permission of the Assembly (Laughter).

Mr JINNAH appreciated the matter, tone and manner of Sir Alexander Muddiman's speech before referring to the Lee Report. Mr Jinnah said that the position of the Mahomedans must be fairly recognised. The Mahomedans deserved nothing else but their just and fair share in their proper rights. He also felt confident that there was no Hindu member in this House who would for a single moment grudge their Mussalman friends their just and fair rights.

(Cries of hear, hear) He was glad that the Home Member had recognised this fact in his speech

Proceeding, Mr Jinnah protested against the manner in which the Royal Commission was appointed. He criticised the standpoint of the Commission that the question of control and the recruitment of Service must vest in the Secretary of state, that the Commission had made provision that if any member of the superior Service was in the reserved side, which was later transferred, he was entitled to retire on proportionate pension. It was evident that the Lee Commission was forced to make this recommendation on the assumption that the Government of India could not be altered. If the Government were going to carry the recommendations of the Lee Commission with regard to further recruitment, that would place serious obstacles in the way of both Indians and the Government. Last February the Assembly had by a large majority made its demand for constitutional advance and the Government of India appointed a Reforms Enquiry Committee, and at this time to ask the Assembly to accept the recommendations of the Lee Commission was indeed not right.

Recruitment in England must stop. The present system was entirely out of date. Any attempt to carry the recommendation of the Lee Commission in this respect would only mean that the British Government were delaying further Reforms. The recruitment and control must be transferred at once to the Government of India, and Mr Jinnah assured them that there was no man in this House who would break the promises made to the Services. Whatever might be the fault of the Assembly, it would be just and fair towards the Services. The House was prepared to straightway appoint a committee to consider and recommend steps towards relief to Service-men, and meet their just aspirations. That was the olive branch the non-officials held out, but which the officials in their speeches had rejected.

As regards the Medical Services, he was surprised to find Sir B N Sarma (who when he was a non-official was never convinced by Government members) now growing enthusiastic over recommendations of the Lee Commission. Those recommendations adopted the vicious and intolerable principle that Europeans should get European medical attendance, no matter whatever their qualification. This Assembly had its so many qualifications and achieved the reputation of being an "uncivilised House". If the House now accepts the recommendations of the Lee Commission it would only worse that reputation. (Loud cheers)

Mr WILSON, representative of the Associated Chamber of Commerce, said that he had the backing of almost the entire European commercial opinion on behalf of that community which paid the highest rate of taxes in India. He claimed that they had a right to ask for a stable and efficient Government and they had also a right to demand that the Government should not in any way deviate and concede less than was outlined in the Lee Report. He held the British Government to its pledges under the Government of India Act. The Report must be accepted as a whole. Otherwise there would be weakening of non-official European support to the Government (ironical cheers and cries of 'hear, hear'). He gave this warning with all the weight behind him of the Associated Chamber of Commerce. The Service-men had real hardships and parsimony in their case would not pay. The Report of the Commission could not be taken objection to, because they were in the direction of Indianisation of the Services. The necessity for European element was great, because the system of Government here was Western.

Captain HIRA SINGH expressed the opinion that British Officers were more needed today than ever, because they were first impartial and honest. His own Province was rich and prosperous only due to the efforts of English Officers. If the British element withdrew, what happened at Kohat the other day would happen everyday and everywhere, and there would be no protection of minorities. If General Birdwood withdrew British troops from India, had any of his friends in the Assembly Officers and soldiers to quell those disturbances? (A voice what about you?)

Captain Hira Singh—Yes. If there is disturbance here in the House, and I have a revolver and gun, I would quell it. (Loud laughter).



He said he believed they were walking too fast and would soon tumble down. It was the attitude of politicians which was responsible for the scarcity of British recruits.

Dr S K DATTA said that they had seen a century of blasted hopes of Indians, and no wonder that Indians were viewing with suspicion the Government proposals. As a member of the Lytton Committee he found great unrest among the students in England, for the reason that they found that even British students of mediocre ability get into the Indian Services while Indian students were debarred beyond a small number. When he was in England he found a letter in the "Times" from the head of the Oxford University who appeared to hold that India was for I C S and I C S was for Oxford (Laughter). The speaker believed the position would not improve unless India had full control of her Services (Applause). He said that his Christian religion distinguished between faith and work. Englishmen during 150 years did immense work but they had no faith. He found Swarajists on the other hand had not accomplished much but had faith (Applause). He believed that there was not much essential difference between the Government and non-officials, one hoped that the Government would come forward and meet the non-official point of view. He believed that the grievances of the Services were just and should be dealt with.

Mr V J PATEL said that his opinion expressed in June last that the Lee Report should be thrown into the waste-paper basket remained unchanged. He said a good deal had been said in praise of the Services, He wanted to present the other side of the picture. They must judge the Services by the result of their work. When Europeans came to trade and managed to remain here as rulers, India was one of the richest countries of the world. Today she is the poorest. He would have nothing to do with the Report until constitutional advance was granted. He was quite clear in his mind that India could do today without Englishmen. It was all camouflage to say that India wanted the guidance of Englishmen. He thought that the Services were amply paid, but if there were any grievances the Assembly would examine it only after obtaining full control over the Services and then pass orders. The Government, he said, had declared its willingness to give Self-Government. Indians wanted to take it. What then was the difference? Why should not they meet together and settle the stages to reach the goal? It was frequently stated that the British officers were required to stand between the Hindus and Muslims, and between the higher and the depressed classes. Yes, it was because the British stood in their way, that they could not unite (Laughter). They must therefore eliminate the European if they wanted to unite. The speaker hoped to get Belgaum Congress to devote itself only to the question of settlement of mutual differences.

MOULVI ABUL KASIM said that he could neither support the resolution of Sir Alexander Muddiman nor the amendment of Pandit Motilal Nehru. But before the House give its vote, he entered a note of warning in terms of the amendment of which he had given notice but which he did not move, because it was certain that Pandit Motilal would carry the day. He knew there were cries of cheers when Mr Jinnah spoke on behalf of Mahomedans for their rightful and fair share, but professions and practice differed. In the Punjab there had been the unedifying spectacle of non-Mahomedan Indian Members of the Legislative Council going in deputation before the Governor for the removal of a Mahomedan Minister because it was alleged that he was giving appointment to Mahomedans. Secondly, the Hindu Members of certain Municipalities in the Punjab went out of the Municipalities because the Chairmen were Mahomedans. Then again, in Bengal Mr C R. Das went to the Maharaja of Nadia who now happens to be a Member of the Executive Council and it was on the 27th August last that they asked the Maharaja to get the Mahomedan Collector of Nadia removed from the district, because he had Moslem proclivities.

At this stage, Mr T C Goswami and Mr Amarnath Dutt, both Swarajist Members from Bengal, rose to a point of order and the former challenged the Moulvi's statement and characterised it as a deliberate falsehood.

Mr Amarnath Dutt was heard to ask whether that Collector was not a relation of Maulvi Abul Kasim.

President —I would ask the Honourable Members not to be so provocative.

Maulvi Abul Kasim —My statement has been challenged. Those who challenge my statement can get it verified from the Maharaja of Nadia. Proceeding, the Maulvi referred to the fact that in Bengal, on 26th August last, there was the unedifying spectacle of foster fathers and promoters of Reforms joining hands with those who wanted to wreck the constitution. His reading of the situation was that they went and joined hands with the wreckers of Dyarchy because they found Dyarchy run by Mahomedans.

At this stage Pundit Shamlal Nehru asked if he represented the Mahomedans.

The Maulvi said he represented none, but wanted his opinion to be recorded.

Several members cried 'Oh, he is a nominated member', and Mr Amarnath Dutt said Moulvi Kasim had been unsuccessful in two constituencies.

Concluding, Moulvi Abul Kasim said that if they wanted India to progress and attain Responsible and Representative Government then they must raise the Mahomedans and bring them to the same standard as others, so that both the communities might walk hand in hand. Otherwise the progress would be dangerous.

Mr A RANGASWAMY IYENGAR said they were placed in a vicious circle. They were told on the one hand that unless the grievances of the existing men were remedied fresh recruitment would be impossible, and that unless there was fresh recruitment the existing men would retire prematurely. Mr Rangaswamy Iyengar pointed out that a Blue Book giving the views of the Local Governments had been circulated to the members while they were busy with the debate and could find little time to read it. The speaker found that the Blue Book merely supported his case. The Madras Government, the Raja of Mahmudabad and Ministers had supported the case for stoppage of recruitment, and the speaker emphasised that this course was desirable in the interest both of the British and Indian people. He strongly objected to compensation being given because of political changes. The Government of India originally did not propose proportionate pensions on this ground, but Mr Montagu agreed to it later on with a view to save his Reform Bill. He drew the attention of the House to the fact that the initial pay of an officer has been raised from Rs 400 to 600. Thus an Officer now started with 50 per cent higher salary than his predecessor, and accordingly set up before himself a high standard. Mr Rangaswamy Iyengar laid down that India wanted the ruling class to cease dominating India, that the Services should become mere agents of the Legislature, that India did not want to pay higher for the Foreign element when she had material in India for her Services, that recruitment should be made in India, and that if a Public Services Commission was set up, it must be controlled by the Indian Government. He invited the Government to place the material before them, give them opportunity to sift it and then to express its verdict.

Mr MAUNG TOK KYI, Burman representative, supported the claim put forward by the Burma Legislature about reconstructing Burman Services on the Provincial lines. People could not bear any more the burden of expenditure. There was, he said, an Act called the Burma Village Act under whose authority an officer could go to any village and demand supply of milk, eggs, books and any other requirement at any time of the day or night, and pay only a nominal price. Burma allowance to Officers should be stopped because of the benefits they derived under this Act.

Mr SARFARAZ HUSSAIN KHAN repudiated the speech of Mr Abul Kasim and assured that the Mahomedans stood by the Hindus and were ready to shed blood with them.

Pundit MADAN MOHAN MALAVIYA said the House owed it to the people of India to look to the grievances of the public servants, and it also owed it to the people not to burden them with expenditure without the fullest scrutiny. He said that Mr Wilson had threatened that if the Assembly's wishes were accepted by the Government, the European Commercial Chambers with all the capital behind them would revolt. Colonel Crawford had stated that the Assembly would then be an uncivilized body and Mr Hudson had opined that the Assembly would be considered unfit for further advance. He felt that these friends had not appreciated the sincerity of the Assembly's motion to examine the materials in all earnestness to do justice to the Services. He said India wanted I. C. S.

men by virtue of their merit and not because they were Europeans. He claimed a chance to India to build up her own public service, as honest, as efficient, and as incorruptible as required by Sir Charles Innes, if not better. As for the Hindu-Muslim quarrel, he said it was due to the absence of education of the masses and added that similar riots occurred even in England when masses were uneducated. He deplored that with all the fine work of the Indian Civil Service there were still persons in India like Mr. Abul Kassim who could not take a proper view. (Laughter) The mistake lay with Government which opposed Gokhale's Compulsory Education Bill. As for the Depressed Classes here the Indian Civil Service had done very little to uplift them. The question was mainly one of lack of education and economic condition. If education was spread among them, the solution of the question of the depressed classes would be easy. He emphasised that the Swarajists, Independents, Sir Sivaswami Iyer and Sir Chimanlal Setalvad were all agreed on one point, namely, that the future recruitment must be stopped and he requested the Home Member to communicate this unanimous desire of the House to the Secretary of State.

Sir ALEXANDER MUDDIMAN, in winding up the debate, said that he was glad that with few exceptions the debate had been conducted in a passive spirit. He assured Colonel Gidney and Colonel Crawford that the term 'Indian' would be taken as including all statutory natives of India. He differed from the view that no advance has been made as a result of the Report. The proposals went a long way in the matter of establishing Provincial control over the Services. It was a great advance though not as big as the House desired. As for the Indianisation he regretted that the House had not fully kept in view the analysis he gave on the 10th. He made it quite clear that the Government of India in view of the present circumstances of India considered it essential in the best interests of this country to have Europeans in the Services and he was surprised to find that no member had replied to his point that, if the British recruitment was stopped, it would have serious effect on the present members. Already during the past four years over and above normal retirements, 324 officers had prematurely retired. That was a great number. He had great faith in the wisdom of the Indian Legislature and the wisdom of the mover of the amendment, but he felt that the decision of another Committee of the House on the Services was not likely to be more wise than that of the Royal Commission. He did not want to deal with the question of the Depressed Classes at that late hour. He thought that he himself belonged to the depressed class. (Laughter) Finally, he referred to Mr. Patel's speech wherein with his usual acumen he (Mr. Patel) had explained the real object of the amendment. Sir Alexander concluded "It means that you are going to vote against provincialisation and such measure of Indianisation as the Report gives and against relief to the Services."

### **The Amendment Carried.**

Pandit Motilal Nehru here made some observation with regard to the concluding remark of the Home Member. Pandit Motilal was not audible in the Press gallery.

The Home Member replying to the Pandit's remark corrected himself by remarking that the House by voting with Pandit Motilal would be voting against such measures of provincialisation and Indianisation as the Report had recommended.

**At seven the House divided and carried Pandit Motilal's amendment by 68 votes against 46 amidst loud and prolonged applause.**

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*GOVERNMENT BILLS—15TH SEPTEMBER*

The Assembly met again on the 15th September to discuss official bills

**WORKMEN'S BREACH OF CONTRACT**

SIR ALEXANDER MUDDIMAN first introduced the Bill to repeal the Workmen's Breach of Contract Act. The statement of objects and reasons explained that on the 20th February, 1923, Mr K C Neogy asked for leave to introduce a Bill in the Legislative Assembly to repeal the Workmen's Breach of Contract Act, 1859, as amended in 1920. The motion, which was finally rejected by the Assembly, was opposed by the Government on the ground that though the Act might not be necessary as an All-India measure, Local Governments must be at liberty to place before their own Legislatures some measure to give protection where necessary, to employers and industrialists in particular areas and in particular circumstances. It was also pointed out that time must be given to employers and industrialists to adjust themselves to the changed conditions which would follow when the Act was repealed. An undertaking was however, given that the Government would take the necessary steps to repeal the Act with effect from 1926. This Bill was intended to give effect to that undertaking and sought to repeal, with effect from the 1st April, 1926, the Act of 1859. An opportunity had at the same time been taken of repealing Sections 490 and 492 of the Indian Penal Code which deal with cognate matters, as their repeal seemed to be a logical development of the repeal of the Act of 1859.

**INDIAN SOLDIERS' LITIGATION**

Sir Alexander Muddiman asked the House to take into consideration the Indian Soldiers' Litigation Bill, as passed by the Council of State. Sir Sivaswami Iyer proposed its reference to Select Committee and the House agreed to the motion.

**IMPERIAL BANK ACT AMENDMENT**

Sir Basil Blackett then moved for consideration of the Select Committee's report on the Bill amending the Imperial Bank of India Act, as amended by the Select Committee. Mr Maung Tok Kyi moved the inclusion of Co-operative Banks within the operation of the Bill. Sir Basil Blackett strongly opposed this, but when put to the vote, the motion was carried by a majority of one vote, the division being 46 to 45. Thereupon Sir Basil Blackett announced that, in view of the amendment, he was not then prepared to ask the House to proceed with the Bill.

**MOTOR VEHICLES ACT BILL**

On re-assembling after lunch the House agreed, on the motion of Mr Tonkinson, to pass the Bill amending the Motor Vehicles Act, as passed by the Council of State, without any change.

**REPORT ON "MORALITY" BILL**

Sir Alexander Muddiman moved the consideration of the report of the Select Committee on the "Morality" Bill which was passed.

**OBSCENE PUBLICATIONS BILL**

Sir Alexander Muddiman moved the adoption of the Obscene Publication Bill, as passed by the Council of State. Mr Doraiswami Iyengar moved its reference to a Select Committee which was adopted.

**IMPERIAL BANK BILL PASSED.**

Sir Basil Blackett then proposed the final passage of the Imperial Bank Act (Amendment) Bill. He said he did not consider that the motion for the inclusion of Co-operative Bank was relevant, and he did not treat it seriously. Now that it had been carried, however, some formal amendments were necessary to put the Bill in legal form. These were moved by Sir Henry Moncreiff-Smith and carried.

Sir Basil Blackett further explained that while he thought that the inclusion of Co-operative Banks was inoffensive and would remain inoperative, if it appeared on further consideration that their inclusion was not desirable he

retained the liberty of excluding them in the Council of State. As for the object of the Bill, he laid strong emphasis on the fact that this Bill should be regarded as a very small contribution by legislation to the solution of a great problem, whose satisfactory settlement would really depend upon habitual co-operation between the leaders of banks and industries. The Bill was then passed and the Assembly adjourned.

### NON-OFFICIAL BILLS—SIMLA, 16th SEPTEMBER

This was the first non-official day of this session of the Legislative Assembly, and a large number of non-official Bills appeared on the order paper, but only a few could be moved.

#### ACTION ON BAR COMMITTEE'S REPORT

Mr RANGACHARIAR first moved for a Select Committee on his Bill to amend the Legal Practitioners Act. He wanted a statement by the Government as to what they proposed to do about the Bar Committee's report.

Mr Tonkinson said the Government of India had asked Local Governments for their opinion and also for the opinions of High Courts and legal associations. As soon as the replies were received the Government of India proposed to come to their conclusion immediately. Some of the recommendations could be put into operation by the High Courts and these Courts were already beginning to take steps in those directions. As regards recommendations which might require legislative action, Government confidently expected to bring forward legislation next session.

In view of this statement Mr Rangachariar withdrew his motion.

#### HINDU RELIGIOUS TRUST BILL

Dr GOUR moved that the HINDU RELIGIOUS and CHARITABLE TRUST BILL be referred to a Select Committee. He said that the principle of the Bill had been generally accepted. So far as he was aware, four objections had been taken to it, namely (1) That the term "Hindu" should be defined, (2) that the Bill did not exclude private trusts, (3) that it should be confined to trusts of the value of Rs 3,000 and upwards, and (4) that these trusts were of a varied character and that religious trusts were Provincial Transferred subjects, and as such legislation with regard to these trusts should be initiated in the Local Councils. Dr Gour said that all these questions were mainly matters of detail and could be dealt with by the Select Committee. As regards the last objection he quoted the precedent of the Moslem Waqf Bill which was passed by the Legislative Assembly last year. If those objects were valid, the Government of India could not have agreed to the passing of the Waqf Bill. All previous Acts dealing with religious endowments were enactments by the Government of India and were All-India Acts. Religious endowments could not be subjects for legislation by Provincial Councils, but should be brought under a national register.

Mr Belvi suggested that sufficient provision already existed in present enactments. If the Assembly agreed to this motion it would be a clear case of interference with the functions of Provincial Councils, which should not be done unless it was absolutely necessary. Specially in view of further consideration of Reforms, there could not be any interference with Transferred subjects. He strongly objected to a national register.

Mr A. N. Dutt very much wished that the measure had been initiated by an orthodox Hindu like Pandit Madan Mohan Malaviya. Amidst laughter he suggested the names of six Mahomedan members and one Christian member of the Assembly to be added to the Select Committee.

Mr M. K. Acharya objected to the Bill in principle and said he regretted that such a measure had been brought before the House. There was inherent danger in legislation of this kind.

Sir Purshotamdas Thakurdas approved of the principle of the Bill and expressed surprise at the opposition.

Mr Duraiswamy Ayyangar, supporting Dr Gour's motion, said that religious endowments were much mismanaged and complained that in several cases the Government diverted the surplus from some temples to provincial purposes and then cited the opinion of the Madras High Court in reference to the management of a temple in Madras. He ridiculed the idea that temple like Biswesawara of Benares, Jugganath of Puri and of Badrinath could be called provincial temples.

Pandit Motilal Nehru was surprised that the provisions of this Bill could be taken objection to by any Hindu.

Mr Harchandrai Vishindas said it was no use trying to draw the red herring" of orthodoxy across this question. All Hindus should rejoice that legislation of this kind should be proposed.

Mr Ramachandra Rao said that if any Provincial Legislature wished to legislate on the question of religious endowments, this Bill would not stand in the way and there was no force in the argument at all that it interfered with Transferred Subjects.

Mr Jinnah said that the Bill was not intended to interfere with the Hindus' religion nor was it a piece of social reform.

Baba Ujagar Singh Bedi said that there was no need to oppose the principle of the Bill at this stage. That time had passed.

Pandit Madan Mohan Malaviya said that some of the provisions were certainly open to objection but there was no harm in the Bill being examined by a Select Committee.

Sir Alexander Muddiman said that he had only recently received the opinion of Local Governments and the Government of India had not been able to form their opinion on the subject. From a cursory glance he found that some Provincial Governments objected to the matter being dealt with by the Imperial Legislature, as it concerned a Provincial subject. The Bill was modelled on the Moslem Waqf Act and it required very careful examination whether a Bill on those lines was really the Bill needed. He advised the utmost caution, and as the Select Committee even if appointed could not meet, he suggested that the debate be postponed till the Delhi session by which time he would be able to communicate to the House the Government of India's views. The fact that a dispute had arisen in connection with temples in one province where legislation had been passed indicated the need for caution.

Dr Gour said that the Hindu community was not provincial and the Bill was merely supplementary and complementary to the Moslem Waqf Act. He wanted to take it to the Select Committee, but in view of the Home Member's suggestion he accepted the postponement, and the debate was accordingly adjourned till the Delhi session.

### Criminal Law Amendment

Then came the most important measure of the day, namely the repeal of the Part II of the Criminal Law Act, under which Government had for the last few years been doing havoc with the liberties of the people. The Bill was passed defeating Government heavily.

Dr GOUR moved that his bill to repeal Part II of the Criminal Law Amendment Act be taken into consideration. He said that the Repressive Laws Committee had unanimously condemned the Act and had expected that it might be repealed in the Delhi Session of 1922. He believed conspirators could be brought to book under the ordinary law of the country. The Act was passed in 1908 by the old Legislature which was merely a branch of the Executive.

Sir ALEXANDER MUDDIMAN strongly opposed the motion. He said by training he viewed with very great suspicion anything in the nature of legislation which took away ordinary law and gave special power to the Executive Government, but one fundamental law governed all Governments, whether responsible or irresponsible, namely that if the ordinary law failed to maintain law and order, other means must be found to maintain it. The Act was passed in 1908 and no one contested that anarchy then existed in Bengal. He quoted from the Re-

pressive Laws Committee's report showing that the Committee considered that the time was not ripe to repeal the Act then. Again on the 3rd June a motion for repeal of this Act was rejected by the last Assembly. This clearly showed that the Act was not only passed by the pre-reform Legislature which Dr Gour described as subordinate to the Executive but that the first Assembly considered, at any rate at that time, that it should not be repealed.

Sir Malcolm Hailey speaking on the Bill had said that associations with the objective of assassination and murder had started. That was a big statement and the speaker wanted to substantiate it by enumerating what occurred only since December last. On the 14th December Rs 17,000 belonging to B B Railway was taken away by armed dacoits. Ten days later pistols and cartridges were discovered with certain men, and the gravity of the position was that those cartridges were of the kind which were not available in India and must therefore have been imported. On the 14th January Mr Day was murdered in mistake for the Calcutta Police Commissioner, to whose admirable work the Home Member paid a tribute. Here again the cartridge used was an imported one. On the 15th March the police discovered dangerous bombs which were not toy bombs but made by those skilled in the art. By the end of March the pistols lost by a firm of Calcutta were discovered. On the 13th April Mr Bruce was shot, probably because the colour of his car was like that of the Commissioner of Police's and the assailants wanted to kill the Commissioner. Continuing, Sir Alexander referred to *Red Bengal* leaflets inciting to terrorism and murder of the police officials. These leaflets were widely distributed at a meeting held to protest against certain remarks of Lord Lytton. From past experience the Government knew that shortly after publication of such leaflets outrages followed. These then were the facts facing them. The leader of the Swaraj Party (Mr C R Das) in a press interview, which he apparently revised, stated that the anarchical movement was far more serious than the Government realised. Thus a statement made by a leader in whom the members of the Assembly had confidence had told the Government that the position was more serious than they imagined. Ordinary law was unable to deal with the situation and the mover was offering Government no substitute. Could they then expect that the Government who was responsible for law and order would throw away this weapon? He asked the House to remember that measures like these were always half way house between ordinary law and much more serious measures which might be called for if the situation grew grave. He pointed out that the allegation that the law had been misused could not prove that the law was not needed.

Concluding, he doubted whether if the House were responsible for law and order it would repeal the Act. If the House passed Dr Gour's motion it would be taking on itself a very grave responsibility and he hoped wiser counsels would prevail.

Mr ABHAYANKAR in supporting Dr Gour's motion said that the very principle of the Criminal Law Amendment Act was obnoxious and allowed the executive to usurp the functions of the judiciary. The analogy between England and India did not hold water, as the executive in India was not only not responsible to the people but often contemptuous of popular opinion. So the argument that the executive should be armed with special powers as in England must fail in India. This act had not only been misused but abused. It even sentenced Pandit Motilal Nehru, the leader of the opposition in the House, to jail. He certainly did not belong to the gang on whom it was intended to operate. Yet Pt Nehru was sentenced to six months under this Act. He hoped the House would reject the Home Member's argument. Otherwise it was not fit to embark on the voyage of Self-Government.

Mr Amarnath Dutt said it was always the over-zealous police officers who gave a political complexion to ordinary crimes to suit their purpose.

Captain HIRA SINGH opposed Dr Gour's motion and said that ordinary law failed to give adequate protection to life and property. Punjab was the home of the fighting classes who were just entering into political life and whatever protection the people in that province now enjoyed was due to the application of the Act which was now sought to be repealed. This Act was rarely used in the Punjab, but whenever it was used it was used very effectively.

Pandit MADAN MOHAN MALVAIYA said the dacoities and murders which had been committed in Bengal and which were mentioned by the Home Member were no justification for retaining this Act on the statute book. These cases could be very well dwelt with by the ordinary law of the land. He condemned the action of the Bengal Government in sending thousands of Congress volunteers to jail under this Act, and of the Punjab Government in declaring the Sikh Parbhandak Committee as an unlawful Assembly. The Government cannot say that this Act has been honourably, justly and fairly used. The principles of good government demanded that this law should be removed from the Statute Book.

Sir CHIMANLAL SETALVAD recognised the necessity of the executive being possessed of emergent powers, but there should be some safeguards in the Act for the prevention of abuse by allowing judicial authority to test the order declaring associations unlawful. If the Government accepted his suggestion and introduced the safeguard, there would not be any objection to this Act remaining on the Statute Book.

Pandit MOTILAL NEHRU strongly opposed Sir Chimanlal Setalvad's suggestion and hoped the House would not be misled by the plausible argument of the Home Member. What was ordinary law and what was extraordinary law? When the Government said that the ordinary law was not sufficient, it really meant that the Government had failed in the art of Government (Applause) and that the Government wanted to get license for law-breaking. The speaker paid a tribute to the system of English Jurisprudence, and if the Government failed to carry on under that system which was imported into this country, then they had no business to be in this country, and must give up all pretensions of ruling them. He emphasised that the Government arguments were camouflage that the Act was intended to suppress revolutionary crime. Really the Government wanted it for other purposes. He said that the part of the Act which had already been repealed could have dealt with anarchical activities, but not Part II because under that part they could only declare associations unlawful. Did anyone think that the associations of anarchists who worked secretly would be known, or if known, that they would stop in their aims because such associations were declared unlawful?

The evil, said Pandit Motilal, was the alien rule. The Government was functioning against the will of the people. They might manufacture any amount of repressive Legislation in the Council, but they could not suppress anarchy. He endorsed every word of Mr. Das's statement that anarchy was much more serious than the authorities realised (Hear, hear). 'I go further and say that if you do not take care you might rise one fine morning to find the whole of the country in a state of conspiracy. You will not know what to do with it (Applause). I am saying this as a reasonable man. I know what hurts my countrymen. I know how waves of anarchism ebb and flow. If you think your repression laws put down anarchy in Bengal it is far from the truth. It was that Man, Gandhi, who by his non-violent non-co-operation put that effectual stop to anarchical crime. It is you who deprived him of the power that he possessed, and you must reap the result of it.'

Continuing, he strongly opposed the idea that ordinary and extraordinary law should go hand in hand. If ordinary law came in, that was English conception. There was no question of giving Government a substitute for the act. It was needed not against anarchists but against Congressmen. Pandit Motilal observed that the Act was a blot on the English system of jurisprudence and a blot upon the English nation, but if this law continued in force and if it was applied in his own province or in any other province and if any notification was issued under it, he would consider it his highest duty to break the law, and would call upon others to break it (Loud Applause).

MR CHATTERJEE, Industries Member, said in his present frame of mind Pandit Motilal had not the least chance of being proceeded against under this Act (Laughter), whereas in 1921 the Pandit broke the Act he would not break it again. The speaker therefore urged the House not to be guided by any consideration of the Act being used against the Pandit. He contested the Pandit's statement that they were acting lawlessly. Any law passed by a constituted authority was law. Continuing, he pointed out that during the war anarchical crime



subsided, before the cult of Mahatma Gandhi, for whom he had the greatest respect, came into existence. Mahatma was now out of jail and why could he not restrain anarchists now? It is my friends opposite (Swarajists) who are responsible for it, and not Government (laughter). Having served as an Executive Officer, the speaker on behalf of the Executive Officers in India declared that they also viewed with suspicion and diffidence extraordinary laws, but they had a more sacred duty to perform in the face of very great danger and difficulty, namely the duty of maintaining the King's peace and use laws provided by constituted authority.

MR JINNAH expressed surprise at the speech delivered by Mr Chatterjee who had evidently forgotten whatever law he knew owing to close association with the executive. He was surprised that a man so well versed in the knowledge of history should stand up in the House and proclaim that this Act was indispensably necessary to enforce law and order and cite English analogy. Mr Jinnah gave the history of the movement in Bengal which has been characterised as revolutionary, and ridiculed Mr Chatterjee's contention that during the war there was no trouble because of the application of the Defence of India Act. Mr Jinnah reminded Mr Chatterjee that the Defence of India Act was put on the Statute Book with the support of almost all members of the then Imperial Council. It would never have been possible to enact the measure without popular support. That should have been an object lesson to the Government.

He asked them how was the function of the maintenance of law and order to be performed. Was it to be performed against the wishes of the people? If Government did not respond to the wishes of the people no amount of statutes would break the revolutionary crimes. He asked whether since Queen Victoria assumed the reins of the Government until 1906, was there a single revolutionary organization in India? What was then the explanation of the existence of revolutionary movements? It was because they denied to the people their legitimate rights. It was the Government which was the root cause of it. They did not respond to their ideals of freedom. He for himself would not support Sir Chimanlal's suggestion but urge for the Act to be entirely repealed. Mr Jinnah concluded "Respond to the feelings of the people, respond to their sentiments, respond to their legitimate aspirations. The English people shed their blood to establish their laws, and, if need be, I will also shed my blood to establish that law in India" (applause).

Col CRAWFORD regretted to find that not a single non-official leader in the Assembly had spoken a word in condemnation of anarchy, upon which he waxed eloquent and then expressed his great solicitude for Bengal.

Dr GOUR in replying to the debate asked the Home Member whether any association in Bengal was to-day declared unlawful. He held that the Act was useless for that purpose.

Sir ALEXANDER MUDDIMEN winding up the debate said that the Pundit opposite had admitted that not only was there serious anarchical movement out, but that it might spread to other Provinces. Government would have to consider that and would never forget their primary duty of maintaining law and order. He referred to the position in Bengal because Dr Gour had suggested that the position in the country was normal, and he referred to particular dacoities, because in those cases ammunition which could not be bought in this country was discovered. The Government had been practically advised to let matters drift and then to proclaim Martial Law if matters became worse. Well, he did not believe in that policy. He would rather extinguish fire immediately than after it had spread and destroyed the whole structure.

Mr Patel—You want to extinguish the fire of patriotism?

The Home Member—I desire to see India patriotic, but I do not desire to see India anarchic.

Continuing, the Home Member referred to Sir Chimanlal Setalvad's suggestion and very artfully said that the Government would consider it.

Sir Chimanlal thereupon asked for a definite assurance that legislation would be brought at an early date amending the Act with a view to allow the asso-

cations declared unlawful to contest that order in the Courts That assurance, he said, would determine his vote

Sir Alexander Muddiman thus cornered egged out by saying that he had not consulted the Government of India and could not give such an assurance The Government would however consider the suggestion He said that he did not suggest that the members had uttered threats He was quite prepared to take them as a friendly warning, but then, when such anarchical crime was facing them, could the Government divest themselves of its weapons?

Pandit Motilal was heard indistinctly to remark that it was no weapon at all

The Home Member replied that he considered it a weapon That might not be the Pandit's view He realised that they could not effectively declare secret anarchical associations as unlawful but the Government could take action against the association which had not entirely gone over to the side of the enemy, so to say, but were about to

Mr Patel You mean Congress Volunteers

The Hon Member If the creed of the Congress is changed to one of violence it would be so

Continuing, the Home Member read the definition of an unlawful association as given in the Act and asked whether anybody could say that it was not a fair definition He concluded "Our witnesses are intimidated and shot Am I to stand by when our Chief Commissioner of Police is being hunted for his life? Am I to stand by and see terrorism in the land and men with revolvers crying 'hands off?' No, Sir So long as I am a member of the Government of India I will not" (applause)

**The House then divided and carried Dr Gour's motion by 71 votes against 31 amidst non-official cheers**

Dr Gour at once represented that the final reading of the Bill be proceeded with, but the President adjourned it till the 23rd

### **The Secretary of States' Allegations.**

At question time good deal of interest was taken in the Assembly on the series of questions and answers about the remark of the Secretary of State that the Swarajists in the Bengal Council purchased votes

Sardar MUTALIK asked Will the Government be pleased to state (a) whether it is a fact that the Secretary of State stated in the House of Lords, as is reported in the papers, that the Swaraj Party organized the purchase of votes for the purpose of procuring a majority of votes to embarrass the Government? (b) The extract from the speech which contains the statement, (c) whether the purchase of votes is meant to apply to the Party's system of work within the Council and the Assembly or at the time of the elections, and (d) if within the Councils or the Assembly, will the Government be pleased to state the grounds or reasons on which the statement was based, whether this Government sent any despatch to the Secretary of State supplying any information on this point and if so will the Government be pleased to place on the table a copy of the extract from the despatch supplying this information?

Sir ALEXANDER MUDDIMAN, replying, said, —

(a) & (b)—The Secretary of State did make statements of this character in his speech in the House of Lords on the 21st July I will quote for the Hon'ble Member's information two extracts from the official report of the speech

- (1) Referring to the Bengal Legislative Council, he said "In that Assembly, the Swaraj Party, not being able actually to lead or to procure a majority of votes for the purpose of embarrassing the Government, organized the purchase for each of the requisite balances either of votes or of abstentions to enable them to win the narrow divisions which they did This fact is notorious"

- (2) Again he said "Such demonstrations as have been made in the Bengal Legislature, in so far as they are procured by methods of corruption or intimidation, not only are not demonstrations of the popular will but are demonstrations of the fact that the Legislature, who are so influenced, have no will at all of their own except a will to profit, and that any number of such politicians may be disregarded with complete equanimity as representing no kind of power. The significance and importance of a vote in a Parliamentary election or in a Parliament rest only upon the will or spirit in which it is given. If it is given on account of fear, those who are responsible for and who are entrusted with the power to carry on the King's Government know very well that they have no real force whatever to contend with, but only something which can be bought or frightened."

(c) and (d)—The extracts which I have quoted indicate clearly that the Secretary of State was referring to what he undertood to have been the method of working adopted by the Swarajist Party in the Bengal Legislative Council. The Government of India are unable to say definitely where the Secretary of State obtained the information upon which he based his speech. They understand however, that it has been freely stated in the public press that there was organised corruption. It may be that the Secretary of State's announcement was based upon private information. In any case, the Government of India have not themselves supplied any information in any manner. One Mohammedan supporter of the Government complained to the officials of the Council that he had been offered Rs 3,000 to abstain from the division on the grant for Ministers' salaries, and it has been stated on reliable authority that Rs 40,000 were expended from the Swarajist Party funds during the session in bribing Government supporters in this way. That was the only reference to the matter which could have formed the basis of the Secretary of State's remarks (Hear, hear). They did however forward to him a letter from the Government of Bengal in which the following message occurred. The Indian supporters of the Government were also subjected to continuous pressure from the Swarajist members to abstain from voting for Government and the Swarajist Party funds were freely spent in this.

Then followed a volley of supplementary questions.

Mr Kabiruddin Ahmed asked a question about corruption in elections which was not heard.

Then Mr T C Goswami. Will the Government seek information on the subject of the purchase of votes in the Bengal Council from the office of the Party of which the Advocate-General is the head and H E Lord Lytton the chief Patron?

Sir Alexander Muddiman. That is not a question that I can answer here.

Mr Chamanlal. May I ask whether the Hon Member, in quoting that letter, was aware of the fact that there is not a Swaraj Party Fund at all from which any bribe could be made?

Sir Alexander Muddiman. The question ought to be asked from another Member of the House (referring to Pandit Motilal).

Mr Chamanlal. May I ask whether he is aware of the fact that there is really no Swaraj Party Fund and whether it was not his business to find out whether there was any such Fund?

Sir Alexander Muddiman. I cannot agree with the Hon Member on that point. I have no knowledge of the party funds of any Party.

Pandit Motilal Nehru. May I ask if the Government of Bengal sent any materials upon which they based the conclusions which expressed in the extract submitted by the Government of India to the Secretary of State?

Sir Alexander Muddiman. No, Sir, the Statement I have read to the House and nothing more.

Pandit Motilal Nehru. Were any steps taken by the Government of India or the Government of Bengal to verify the fact?

Sir Alexander Muddiman Not by the Government of India I presume the Government of Bengal verified it

Mr Amarnath Dutt Does the Government know that a false criminal case was instituted by the agent of one member to overawe another member to vote for Minister's salary and subsequently Rs 15,000 was extorted to have the case withdrawn?

Sir Alexander Muddiman, No, Sir, It will be a very unfortunate thing if it is so

Mr Chamanlal May I ask the Hon Member whether he is prepared to convey to the Secretary of State the utter disgust felt by the members of the Assembly at his remarks with reference to the Bengal Council?

Sir Alexander Muddiman, The questions and answers will be forwarded to the Secretary of State undoubtedly

Mr K Ahmed What steps do the Government propose to take to remove the grievances of the people in regard to payments for including candidates at elections and do they propose to bring about any change in the Rules with this object?

Mr President Hon'ble Members are quite well aware that parliamentary candidates have these questions in their own hands

Mr Jinnah Are the Government of India prepared to take steps to remove the reflections which were cast on the Swaraj Party by the speech of the Secretary of State?

Sir Alexander Muddiman, I can certainly give no undertaking on this point. What I have done is this. I am having the law examined to see what can be done in this matter

Mr K Ahmed Does the Government know whether the exact amount paid to a Dacca candidate, a member of the Bengal Council, by the Swaraj Party was Rs 3,000 or more?

Mr President That question is certainly not in order here. Whether it is in the Bengal Legislative Council is a matter for the President of that Council to decide

Pandit Motilal Nehru Is the Government of India prepared to prosecute these persons against whom charges of bribery and corruption have been made or to hold a public enquiry generally into this matter?

Sir Alexander Muddiman Does the Honourable Member refer to these particular allegations I have got here? It would not be a matter, I think, for the Government of India to initiate a prosecution. It is a matter for the Bengal Government to consider,

Mr Jamnadas Mehta Will you instruct them to do so?

Sir Alexander Muddiman No, Sir

Mr Jamnadas Mehta You do not regard the matter as of sufficient importance?

Sir Alexander Muddiman I regard it as of very great importance and I am making enquiries. I am perfectly willing to forward to the Government of Bengal a copy of the questions and answers in this House and invite their attention to the points raised in them. It is not for the Government of India to instruct the Bengal Government to institute a prosecution

Mr Jamnadas Mehta Is it true that the Government of Bengal offered to elect the third Minister out of those members who voted for the demand for the grant for Ministers' salaries?

Sir Alexander Muddiman I am unaware of it

Mr Mehta If that is so, is it corruption or what? (Laughter,)

## Debate on Separation of Railway Finance

*SIMLA—17TH SEPTEMBER*

On this day the Assembly took up the discussion of the question of separation of Railway Finance from the General Budget. Sir Henry *MONCRIEFF SMITH* moved a new resolution substituting the one moved by Sir Charles Innes in Delhi in the last session. The resolution was the result of the discussion in the Railway Finance Committee of the Assembly where an agreement had been arrived at between the Government and the non-official members. This agreed formula was an improvement over the original Government scheme. The nationalist party wanted to make sure that the bargain did not end in favour of foreign capital on which Government was suspected to have an eye. It therefore insisted on the inclusion of three important provisos so as to leave nothing to chance. These were, (1) that no State-managed Company will in future be handed over to Company management without the consent of the Assembly, (2) that Indianisation would steadily and speedily progress, and (3) that the earliest opportunity would be taken to appoint an Indian to the Railway Board. The Government attitude at first on these safeguards was hostile, but subsequently negotiations were opened with the Opposition leaders, mainly under Sir Purushattamdas Thakurdas, to arrive at a Settlement.

Sir CHARLES INNES, giving a lucid exposition, said that the Indian Railways were the most gigantic commercial undertaking in India. They must, therefore, look ahead and take a long view. He was the other day examining the proposal to rebuild a big station which would take 13 years. Considering how the efficiency of stations reacted on the efficiency of the whole line, remodelling was essential, but the Government would not safely embark on such a proposal so long as it depended on the exigency of the general budget. The main burden of the Acworth Committee's report was the separation of Railway budget and the recommendation of State management was made conditional upon carrying out the administrative and financial reforms proposed by the Committee. In every commercial undertaking, capital expenditure and revenue expenditure went hand in hand and, in the words of the Acworth Committee, "Railways must be treated as a continuously going concern with a carefully thought-out programme both of Revenue and Capital expenditure for years ahead with provisional financial arrangements to correspond." The Assembly has provided them with capital expenditure for five years by sanctioning 150 crores for the purpose, but the revenue expenditure still depended upon the exigencies of general revenues and it failed because they had no security with regard to the revenue programme. Then again, the programme of revenue expenditure was not voted for the year beginning with April 1st till the preceding March. This was one reason why they could not spend grants, and unexpended balances merely went to the general revenues along with railway surplus provisions. For arrears depreciation could not be made. There was no inducement to economy, because these benefitted general revenue, not railways. There was no railway reserve and this was particularly embarrassing for railways whose returns depended upon good or bad season. The Finance Department felt a great inconvenience because of the violent fluctuations in railway returns thereby increasing the difficulty of framing budget estimates. Then again if they took more from Railways they merely taxed transportation. The Government's object therefore was to abolish the system of programme revenue and to establish a proper depreciation fund arranged on an intelligible and scientific basis. They wanted to build up railway reserves in order to make finance more elastic and, generally, they wanted to introduce a system which, while retaining the control of the Assembly unimpaired and while ensuring general revenues a fair return from railways, would be more suited to the needs of a vast commercial undertaking. The Government had considered the possibility of legislation, but preferred to ask this House to agree to a convention so that the conditions might be adjusted from time to time to suit the varying conditions and progress of the constitution.

The Commerce Member next dwelt on the form and amount of contribution proposed in the resolution. He said the amount originally fixed was five-sixth

or one per cent on the capital at charge on commercial lines and one-fifth of the surplus profits. It has been modified and it is now proposed that one per cent of the capital on charge plus one-fifth of surplus plus an additional one-third of the excess of any surplus above three crores. The contribution would be based not on the actuals of the penultimate year but the current year. It would not be based on actuals of the last year because it would not be fair to the Finance Department to base it on the actuals of 1922-23 which was a bad year. This contribution meant that the Government would pay the gross contribution of about 689 lakhs or, after deducting loss in working and interest on capital on strategic lines, above 519 lakhs. Under the original scheme the Government proposed to pay only 446 lakhs. Thus they would pay seventy-three lakhs more than originally proposed. Some might say that this was not enough, he would ask them to bear in mind that the more they took from Railways the longer they postpone the day on which rates and fares could be reduced. Moreover Railways in addition to the contribution of 639 lakhs would have to pay charges amounting to nearly twenty-four crores more on account of interest.

Continuing, the Commerce Member referred to the question about which the members felt keenly. The scheme of separation, he assured, would in no way reduce the control of the Assembly over the budget. Of course, when a cut was made in the Railway budget it would not mean improvement in the general revenue as hitherto, but would merely go to the railway reserve, but the cuts made in their budget would put them in the same difficulty as at present. Supposing a cut was made, which could not be given effect to, then unless the Governor-General restored the grant, their position would be difficult. He showed that there was no basis in the suggestion that, if the Assembly admitted to work the railways as a commercial department, the Government would always turn round and say they could not give effect to the Assembly's wishes regarding Indianisation or something of that kind because they could not do them consistently with economy and efficiency. In defence he pointed out that the Railway Board has been working for separation for the last 5 months. They had raised no objection to paying duty on stores and to the provisions of the Steel Protection Act and had not asked for lower contribution. These Acts increased the charge on their revenue by forty lakhs a year. If the proposal for separation was accepted the tax-payer would gain to this extent. As for the presentation of the Railway budget they hoped to bring it before the House in February next before the general budget was presented and later on in September but that would involve the amendment of the Government of India Act. They were also examining the form of the budget with a view to improve it. He further pointed out that the Government had agreed to the reconstitution of the Central Railway Advisory Council and to have a Standing Railway Finance Committee. These showed that the Government did not in any way want to get away from the control of the Assembly. He had placed the proposal which the Government thought would be best for railways, for the trade and commerce of the country, and for the Indian tax-payer, and he appealed to the House to consider the scheme on its merit and accept it. (Applause)

### THE NATIONALIST AMENDMENT

Sir Purushotamdas THAKURDAS moved on behalf of the Nationalist Party an amendment proposing the addition of a clause approving the Government resolution but subject to —

(a) That no railway line now under State management and no railway line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly.

(b) That railway service should be rapidly Indianised, and further that Indians should be appointed as members of the Railway Board as early as possible.

Sir Purushotamdas said the Commerce Member had stated that the railways were of vital importance to India and were a great National asset.

That was precisely the reason why he wanted the Assembly to have a substantial say in Railway policy. The proposal had been under consideration of the Government for three years and within this time a good deal of correspondence must have passed between them and the Secretary of State, but the Government did not take into confidence even the sub-Committee with regard to this correspondence. This naturally raised the apprehension that the Government was not laying on the table all its cards. The reason why the House wanted to insist on the provision that the State managed lines should not be transferred to Company management without the express approval of the Assembly was because the Railways were the property of the tax-payer and the Assembly had a right to be heard in the matter. The Railway report for 1922-23 stated that the Government proposed to continue their efforts to work for getting a domiciled company to take over the management. Further, the Government had rejected the resolution of Mr. Ramchandra Rao passed by the Assembly asking that no contract be entered into with Companies without previously placing it before the Assembly.

Mr. Purushotamdas pointed out that under the scheme the Assembly was abandoning the right to make cuts in Railway budget, with a view to relieve the General Exchequer, or to transfer the Railway surplus to meet the deficit in any year. Was it therefore unreasonable to ask for an undertaking that the Assembly's approval be sought before any change in the management took place? Why should the Government distrust the Assembly if there was real Company management? The Assembly would appreciate the position. He approved of the separation and would be very sorry if the Government persisted in not giving an undertaking and thereby jeopardise the scheme. He gave an instance of the dangers before them. In 1910 the contract with the S. I. Ry. was entered into not only above the head of the people who felt a good deal of grievance, but also over the head of the Government of Madras and the Government of India and only the Reuter's telegram brought the first information to the Government of India that contract had been renewed by the Secretary of State. He did not want any repetition of that.

He made it clear that Indians while believing that the Railways should be worked on commercial lines were determined to see them worked compatible with national advancement and national good. They did not want that in a cheap spirit of economy. Stores should not be purchased in India and that Indianisation of the services should proceed slowly. The patience of Indians had been more than tried, they had waited for the past 70 years and now wanted Indians to be employed in large numbers. The Railways were the property of the Indian tax-payer and must be worked in the interest of India.

At this stage the Assembly rose for lunch.

On reassembling Sir Basil BLACKETT put in an able defence of the Government point of view and indicated the fullest extent to which the Government could go. He said Sir Purushotamdas's amendment was both additional and conditional. Sir Purushotamdas agreed with the desirability of administrative reform proposed by Government, but declared that if the Government was unable to accept his conditions the whole scheme would be lost. The issue had thus been clouded. The speaker attached very great importance to the scheme as it would encourage economy in the Railway management and result in the stabilisation of general budget. As for the Assembly's control, the Finance Member opined that it would be more effective than at present. It was perfectly true that in normal circumstances they would not benefit general revenue by their cuts in Railway budget or transferring Railway surplus to meet any deficit. They would have to propose proper taxation if need be rather than to raid Railway reserve, but then they gained immensely in other directions.

Questions of Indianisation and management introduced by Sir Purushotamdas in his amendment were not strictly germane to the scheme before the House. The two issues were separate and must not be mixed up. As for Indianisation and purchase of stores, he said, theoretically it was competent for the Government to say that it would not Indianise and would purchase stores in the cheapest market, and this right was there now and would remain there even

if the scheme of separation was accomplished. But what were the facts? The Government was committed to the purchase of stores in India and the Lee Commission had recommended 25 per cent Indianisation of the Railway Engineers, and the process of Indianisation in Railways generally was proceeding as quickly as was in the best interest of the country. In fact there was no difference of opinion between the Government and the Assembly on these points.

The issue raised about the Railway Management in the amendment, he considered frankly to be unreal. What were the facts? The Government had stated that if the management was to be transferred to a company, it must be a real Indian Company with Indian capital. The Government were willing to go further if ever the proposal for establishing an Indian Company was considered, the Government would bring the matter before the Railway Central Advisory Council. They were willing to let any member of the Advisory Council to bring that matter before the House if he so desired. This was, he said frankly, as far as it was in the power of the Government of India to go. They had no power under the constitution to go beyond that and give the required undertaking, but it must be apparent that in view of his statement the issue raised became unreal.

If however, the Assembly did not agree with the Government view and rejected the scheme, the result would be that the Government would merely carry on as at present without adopting the desirable administrative reform. He emphasised that, as Pandit Motilal said the other day, speaking on the Lee report that in this transitional stage administrative reforms were as vital and necessary as constitutional reforms. Here was proposed a very useful reform which generally speaking the House agreed was desirable. He therefore appealed for vote on the merit of the scheme. If it was rejected, who would suffer? The tax-payer suffers because he was paying tax on communication. Railway users suffer because both the producer and the consumer would have to pay more. The Assembly suffers because it was rejecting a proposal which gave it more powers, and the Government suffers because it could not carry out a very desirable reform.

Mr NEOGY congratulated Sir Charles Innes on his ability to adjust himself to the atmosphere of the House he was speaking in, for, speaking in the Council of the elder statesmen (Council of State) a few days ago, he had said that Railways must be removed from the influence of the popular Assembly, because when a popular Assembly interfered with the State management of Railways, then the State management would become a failure. He (Mr Neogy) did not deny that the scheme as proposed by Sir Charles Innes had many attractions, but he asked why the Government was anxious to force upon the Assembly this piece of reform which might fit in with the next instalment of constitutional reforms when they were likely to have some sort of responsibility in the Central Government. Sir William Acworth did not know the things that were happening in India since he left this country.

Proceeding Mr Neogy referred to the utterly poor rate of Indianisation in the several branches of Railway administration, and said that the attitude of the Government in regard to the Railway policy had been anti-Indian in every sphere from top to bottom. Of course reference had been made to the recommendations of the Lee Commission in respect of Railway Engineering service but Mr Neogy complained that the Lee Commission could not and had not dealt with the Subordinate Departments where there was overweighting of a particular community.

Dewan Bahadur RAMCHANDRA RAO wanted to know what the exact position of the Secretary of State was in regard to Railways in India and desired that he would express his opinion before any new contract was made with the Railways. On this point the Assembly had been given no answer. Further he urged that the Secretary of State ought in railway matters to delegate his powers to the Government of India so that the Assembly might deal with the Government of India.

Mr WILSON pointed out that the difference between the Government and



Indian non-officials was indeed insignificant. The Indian Merchants' Chamber, Bombay, had urged on the Government that the rejection of the separation of railway finance from general finance would be a wrong step on the part of the Government of India. He was prepared to co-operate with non-officials in urging that the stores purchase be made through the Stores Department. As regards Indianisation the fight was largely a matter of words.

Pandit MALAVIYA said that unless they got the assurance from the Government that Indians would be appointed on the Railway Board they could not accept the Government proposal.

Sir Charles INNES, replying to the debate, pointed out that he was glad that, on the necessity for separation of railway from general finance there was no disagreement. As regards the Indianisation question, Sir Charles Innes pointed out that a great advance was made during the last three years in the engineering branch. For instance, out of 31 officers 9 were Europeans, 5 Anglo-Indians and 17 Indians and now the Government of India had accepted the Lee Commission's recommendation that there should be 75 per cent Indians and 25 per cent non-Indians. Proceeding, he pointed out that the Railway Board required officers with technical knowledge and railway experience and if Indians of sufficient experience were found then there would be no bar for them to become members of the Railway Board. Even now there was no bar.

Pandit Malaviya referred to Rai Bahadur Ralla Ram.

Mr Rangachariar who was then occupying the Chair ruled out reference to individual officers.

Concluding, Sir Charles Innes said. If Sir Purushotamdas Thakurdas will agree to drop his amendment then we shall agree to add the following clause to the amended resolution of Sir Henry Moncreiff Smith. They (these agreements) shall hold good only so long as the East India Railway and G. I. P. Railway and the existing State managed railways remain under State management, and in the event of negotiations for transfer of any of these railways to private company being undertaken, these negotiations would not be concluded until facilities have been given for the discussion of the whole matter in the Assembly.

Sir Purushotamdas THAKURDAS said that as he wanted time to discuss the new proposal of Sir Charles Innes with the members of the Nationalist Party, the discussion be postponed to another Government day.

Sir Alexander Muddiman had no objection to that course. The discussion was accordingly postponed.

On the 20th September an agreement was reached between the Government and the Nationalist members, and

Sir CHARLES INNES informed the House that, after private discussions, they had come to an agreement in which the speaker went as far as he could. He moved the following addition to his resolution —

"In view of the fact that the Assembly adheres to the resolution passed in February, 1923, in favour of State Management of Indian Railways, these arrangements shall hold good only so long as the East India Railway and the Great Indian Peninsular Railway and the existing State Managed Railways remain under State Management, but if in spite of the Assembly's resolution above referred to the Government should enter on any negotiations, those resolutions shall not be concluded until facilities have been given for a discussion on the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangement in this resolution."

Mr RAMACHANDRA ROW next moved the following further addition to the amended resolution —

"Apart from the above convention the Assembly further recommends to the Governor-General-in-Council (1) that the Railway Services should be rapidly Indianised and that further Indians should be appointed as members of the

Railway Board as early as possible, and (2) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India

Sir CHARLES INNES, replying to the amendments, said,—I think it is very necessary that I should make the position of the Government clear in regard to this amendment. We have already accepted the policy of Indianisation of Railway Services and agreed to the recommendation of the Lee Report that recruitment should be 75 per cent Indians and 25 per cent Europeans. I have already said that in the last three years we exceeded those figures in both the traffic and the engineering departments of State Railways.

As regards the Railway Board, we have already recruited Indians for the staff of the Board, that is for appointments of officials attached to the Railway Board. I hope we shall be able to continue that process. I made mention the other day that the Standing Finance Committee had just sanctioned an additional officer for statistical work and that we are appointing an Indian for that purpose as each appointment becomes vacant.

As regards the members of the Ry. Board I cannot bind myself to dates, as it must take time before there are Indians of the requisite standing and experience in the Railway department for appointments to the Railway Board, but as I pointed out the other day, the Railway Board is a purely technical body and we must have men of technical experience.

As regards the Stores question, I laid on the table the other day copies of these rules. They have been placed before the members of the Central Advisory Council. The position is that we have circulated the new Stores rules which were issued only in May last. We have circulated them to the agents of both State and Company Railways and we have told them that we expect them to carry out the Government policy as expressed in them. We have also discussed with Mr Pitkeathly, Chief Controller of Stores, the question of making purchases through the Stores Department and we have come to an arrangement with him. We have written round to the Agents of all State Railways, of the East Indian and G.I.P. Railways, and have informed them that we desire to make use of the Indian Stores Department for their purchases with which Mr Pitkeathly is immediately prepared to deal.

But I may mention for the information of the House that copies of all indents for stores sent Home by State Railways are scrutinised by the Chief Controller of Stores and I am consulting the Chief Controller of Stores on the question whether he can tighten up his practice so as to prevent indents being unnecessarily sent to the London Stores Department. The question is, therefore, merely one of machinery. The policy of the Government of India has been clearly laid down by the Department of Industry, and it shall be my business to see that the policy is loyally carried out.

Mr RANGACHARIAR said that it was a matter of satisfaction that the Government was embarking on a policy of taking the Assembly into their confidence because the distrust of non-officials was defeated in the subject.

Mr HINDLEY acknowledged in grateful terms the value of the advice which the Government had received from the Central Advisory Council in regard to the question of separation and also the advice of Sir Purushotamdas based on his business knowledge and experience. He (the speaker) had said the other day that Sir Purushotamdas was mixing up business with politics. Now he wished to modify that statement and express his fervent belief that a man might be a first class businessman and might at the same time be a patriot.

At this stage Col GIDNEY wanted to speak. The President however warned members against entering upon a debate which might endanger the spirit of compromise arrived at between the Government and the Assembly. Colonel Gidney did not want to disturb the spirit of compromise but he wanted an assurance from the Commerce Member that the claims of the Anglo-Indian community which had really built up Indian Railway would not be ignored in the Indianisation process.

Sir Purushotamadas Thukurdas appreciated the remarks of the Chief Commissioner of Railways (Mr Hindley) and emphasised that the Assembly consisting

of representatives of taxpayers in the country would make it one of its business to see that the railways were placed on the best possible basis compatible with the aspirations of the commercial and industrial communities and the interests of third class passengers. He withdrew his own amendment which was considered at one time to threaten and give a set-back to the question of separation of railway finance.

#### MORE AMENDMENTS ACCEPTED BY GOVERNMENT

Mr NEOGY and Mr RAMACHANDRA RAO moved some more amendments which were accepted by the Government. Mr Neogy reduced the number of officials on the Railway Standing Finance Committee from two to one and raised the number of elected members from ten to eleven. He also reduced the number of officials on the Central Advisory Council from two to one and raised from five to six the number of members of the Assembly and the Council of State to be selected by the Government out of a panel of eight elected members from each house.

One amendment of Mr Rama Aiyangar moved by Mr Rao and accepted by the Government imposed the obligation on the Government that while placing their railway budget before the Finance Committee they should instead of expenditure programme being shown under revenue, show expenditure under a depreciation fund created at par. When all amendments previously agreed upon were carried, the amended resolution was adopted amid loud and prolonged cheers.

### The Taxation Enquiry Committee

*SIMLA—18TH SEPTEMBER*

On September 18th the Legislative Assembly met to discuss non-official resolutions.

Mr RAMA IYENGAR moved —“This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Enquiry Committee and to appoint a Committee in its place for a close enquiry into the general conditions of economic life and labour in reference to the resources of the country and estimate of the National income.”

Mr Rama Iyengar, in moving his resolution, reviewed the salient points in the proceedings of the Council of State which brought about the constitution of this Committee. In particular he referred to the insistence of non-official members in the upper chamber for a wider enquiry into the system of taxation on a scientific and equitable method. The Government of India, he said, had already agreed to the economic enquiry by accepting the resolution in the Council of State and he was asking for no more. The scope of the enquiry proposed by the Government was narrow. It did not include questions relating to land revenue, railways, debt and poverty of the people of India.

Mr VENKATAPATHI RAJU in supporting the resolution hinted at the extremely poor condition of masses in India under British rule and said that the Assembly must insist on a thorough enquiry into it. The Government of India had held several enquiries before, but neither the evidence collected nor the efforts were placed within the reach of the public. An expert Finance Member like Sir Basil Blackett with international reputation ought to realise the need for a thorough economic enquiry.

Sir BASIL BLACKETT said he had heard a good deal from the mover and his supporter about the necessity for an economic enquiry, but no reason had been advanced as to why the Taxation Committee should be suspended.

Mr Patel: Wait, you will hear it.

Sir Basil Blackett: I do not get the reasons from the mover and his supporter. I am entitled to assume that it is a very poor case. The mover, he said had referred at great length to the proceedings in the Council of State and had based his case on that. The debates in the Council were illuminating. Sir Maneckji Dadabhai, who moved the resolution, said that

the taxes should be arranged according to the taxable capacity of the people. Mr Lallubhai Samaldas said that if they were to appoint a roving commission to find out the average national income, they would have to wait for another 20 years before the Commission concluded its labours. Sir Purshottamdas Thakurdas, who was then a member of the Council of State, had pointed out that the question affected the Provincial Governments vitally and their opinions must be received. As for the enquiry, it was conceived in the speaker's own mind. Very shortly after his arrival in India, Mr Ginnwala suggested it in the Assembly and the Inchcape Committee drew attention to the obvious defect of not having a body of experts on the taxation problems. Thereupon the Central Board of Revenue was constituted. Other countries in the world soon after the war held an enquiry very much on the same lines as he proposed to do. "As a matter of fact we are late in the day in making this enquiry." The Government in February last announced the terms of reference to the Council of State and gave a general indication in regard to the personnel. The Council of State thereupon passed a resolution amended by the Government urging that local Governments be consulted in regard to the desirability of undertaking an enquiry into the general economic conditions. Government also addressed a circular to the Local Governments asking their opinion on the desirability of holding an All-India Economic enquiry. In March the Government came before the Assembly with a demand for a grant for this Committee. The demand was sanctioned without any discussion or opposition. The Government naturally took the view that the Assembly not only desired the Committee but wanted it to proceed on its work. No change in the situation had since occurred. The Chairman and Secretary of the Committee and its British members were asked to take advantage of their presence in Europe to study the system in those countries and they had already collected statistics in London and Geneva. Here the Government had been busy preparing statistics and collecting data from the Local Governments. Was it right and in accordance with the dignity of the House to turn round now and say that it did not want the Committee, which was appointed as a result of the deliberate decision of the House?

As for the proposed economic enquiry, every one sympathised with the desire to elevate the economic level of the masses. He was sorry to hear a member of the Assembly putting forward what the speaker regarded as ridiculous nonsense that India, the richest country in the world, had been made poor as a result of British rule. India was considered to be the home of gold, jewels and treasure and it was still the sink of gold and treasure and the economic level of the people was certainly not higher in the days of Nadir Shah. The statement had been made merely to serve as a perfunctory peroration. The Manchester theory that a Government's sole duty was to maintain law and order had now been considerably modified and the Governments were now taking enormous interest in the uplift of the masses. Here in India one of the purposes of the Reforms was so to divide Government functions as to retain in the hands of the Central Government the duty of maintaining law and order, maintaining unity amidst the diversity represented by the various autonomous provinces, and to entrust Provincial Governments with the Nation-building subjects. Thus the views of the Local Governments, who have been entrusted with the task of raising the economic life of the people, would not only be important but decisive in determining whether an All-India enquiry should be held or not.

The Government had not come to any decision yet as all replies have not been received, but a majority of those who have sent their replies have opposed an All-India enquiry, because of the variations in Provincial conditions. Some provinces were already engaged in their own enquiries. The Bombay Government had supported it and for an interesting reason, namely with a view to get an authoritative pronouncement which would not put the Government in possession of facts to refute the wild allegations about the increasing poverty of the people of India. 'Since I have come to India', added Sir Basil, 'I have heard frequent repetition of this outrageous misreading of history.'

As regards the demand for finding out the average annual income of the people of India, he had very little belief in the value of such estimates. Even in England which was more or less a homogeneous country, the Government had refused officially to recognise the estimates of National income made by

various experts whose conclusions sometimes varied by 100 per cent (Laughter) Moreover the value of money varied from time to time Statistics were useful only if used properly The idea of inventing an average annual income of Indians and then to from that as a basis for a scientific system of taxation was unsound Sir Purushotamdas in his speech in the upper chamber had laid down the principle of taxation contrary to this view

The Taxation Enquiry Committee was however charged with making extensive economic enquiries, but a very careful limit has been put with a view to avoid converting it into a roving commission But this Committee would be a most efficient machinery for collection of valuable data for further study into the economic conditions of India The need for a Taxation Enquiry was an urgent one and revision of the system with a view to have a more scientific system was of considerable importance India had been given the Reforms, If that constitution was to progress she must evolve a system of finance as other countries, notably as U S A and Switzerland had done This question was also being considered by Australia Moreover if the Meston settlement was to be revised it was necessary to have the essential preliminaries settled by the proposed enquiry in order to have a more satisfactory settlement because it would be impossible to have a settlement satisfactory to all The Reforms had brought about a division between the Central and the Local Governments which must also have effect on the system of finance For instance excise was a provincial subject, but a distillery established in one province was selling its products in another province This caused a dispute on the point of revenue He was glad to say that a settlement was about to be reached on the issue, but it indicated one instance in the situation which required thorough examination Then again even on to-day's order paper he saw resolutions one of which wanted to deprive the Government of 20 crores of the Excise revenue Another wanted to abolish the Cotton Excise duty and a third wanted to hit the Opium revenue which was already diminishing and which the speaker did not regret It was obvious therefore that some part of the revenue was precarious

He strongly repudiated the suggestion that the Government were instituting an enquiry to have a fresh taxation On the other hand as the economic disturbances arising out of the war were disappearing there was every chance of reducing taxation or at any rate trying to relieve the provincial contributions It might be that the rich will have to pay more than at present (Laughter) He hoped he had been able to show that it was obviously desirable to have the Taxation enquiry sufficiently wide to cover the points he mentioned, but sufficiently narrow to secure that it won't go on for generations As for the mover's objections Land Revenue, said the speaker was provincial subject Railways he did not want to tax Debt was expenditure and no question of taxation arose As for monopolies, Salt revenue was a monopoly and was going to be examined As for the poverty of the people of India he hoped the Committee would deal with that question Concluding, the Finance Member said the committee was appointed with the approval of the Standing Finance Committee and of the Assembly, and he confidently hoped that the House would not stultify itself and stultify the action taken by the Government of India by passing the resolution

Mr V J PATEL criticised the personnel of the Taxation Committee He did not know who Sir Percy Thompson was As for Dr Paranjpye, who was the speaker's best friend, well, he was a very good school-master, but was incompetent to be on the Taxation Committee As for the Maharajah of Burdwan, Mr Patel did not want to say anything About Dr Hyder, Mr Patel only recently came to know that he was an economist Indians objected to the personnel of this Committee and this Assembly wanted men in whom they would have confidence There would be no other result from the labours of the present Committee but a recommendation for a fresh taxation The whole object of Sir Basil Blackett was to get more revenues, as the Government feared that excise and liquor revenue were bound to go shortly The Committee's enquiry was a far-reaching enquiry on taxation, but what was now wanted was a thorough enquiry into the economic condition of the people, millions of whom were living on only one meal a day Then and only then could there be a Committee on taxation, Why should the Government shirk this wider economic

enquiry being instituted? First, it was their guilty conscience. Mr. Patel repeated that this once richest country was now the poorest in the world. If the Government denied it, then let them not shirk an open enquiry at present. The Government opposed such an enquiry because they feared that it would bring out ugly facts about British rule.

#### MR. GOSWAMI'S AMENDMENT

Mr. GOSWAMI then moved an amendment to the effect that the present Taxation Committee be dissolved and in its place a thorough enquiry be instituted into the economic condition of various classes, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country through a representative Committee at least two-thirds of which should be elected by the Indian Legislative Assembly.

Mr. Goswami traversed the general grounds of the necessity for a wider enquiry and emphasised that Mr. Gokhale, 20 years ago, pressed in vain for such an enquiry. He pointed out that a system of taxation was yet to be created and asserted that impoverishment in India, if it was not a direct result of British rule, was a standing disgrace to the present administration. (Applause)

The Assembly then adjourned for lunch. On reassembling—

Mr. CHAMANLAL in supporting the amendment of Mr. Goswami referred to the various authorities ancient and modern, to support his contention that India had become poorer and poorer as a result of exploitation by Britishers in this country. What was the necessity, he asked, of certain members of the Taxation Committee going to the other countries to ascertain the methods of taxation? The proper place was the villages in India. The great wrong done to the people of India by sending them to a premature grave by means of a system of exploitation must be done away with and that would not be without very bitter and dangerous struggle.

Sir PURUSHOTTAMDAS explained his position. He referred to his own speech in the Council of State, where he had clearly pointed out that the House could not consider an enquiry into the system of taxation if it was to increase the burden of taxation. Proceeding, Sir Purushottamas urged that the Government could not go very long with undertaking an enquiry on the taxable capacity of the people on the lines indicated in Mr. Goswami's resolution. The average annual income of the people in this country would furnish a reliable basis for taxation, but an economic enquiry was needed and the Government need not fear that the results of such an enquiry would be damaging to them. The proper course for the Government would be to get together a body of experts, like the annual economic conference or some other body, and ask them to suggest various lines along which information and statistics had to be collected and then the Government should give instructions to local Government and authorities concerned to collect data on those lines for a period of, say, three or four years. When these results had been collected then a committee could go into all those statistics and come to conclusions. While, therefore, he was not in favour of suspending the proposed Taxation Committee's enquiry, he urged that the Government should start the other enquiry.

*After a few more speeches the President adjourned the discussion till the 22nd September*

When the discussion was resumed on the 22nd, the Legislative Assembly adopted Mr. Jinnah's amendment for dissolution of the present Taxation Enquiry Committee and the appointment of a larger committee, with wider and comprehensive terms of reference.

Mr. RANGACHARIAR felt that what the committee proposed was not thoroughgoing. The Government was not averse to an economic enquiry. He would therefore urge the dissolution of the present committee, the appointment of another larger committee including representative Indians, experts, and also members from Western countries with fresh out-look. He had no objections to the personnel of the present committee being included in the larger committee.

The material for an economic enquiry was already there in various provinces and he agreed with Sir Sivaswami Iyer that the committee need not take very long to begin the enquiry. The Finance Member could ask for an interim report from the committee, or if his term expired before the committee submitted the report, he could join the committee and serve India in that capacity. (Laughter) The speaker did not agree with those who did not want a taxation enquiry at all. He wanted it, but also wanted along with it an economic enquiry. He therefore moved an amendment to this effect to Mr Goswami's amendment.

Mr WILSON, representative of the Associated Chambers of Commerce, supported the Taxation enquiry whole-heartedly and told the House that the proper course was to wait for the report of this Committee and then to examine the necessity for further steps. When the Tariff Board was appointed its personnel did not appeal to them, but the Board's work was perfectly brilliant. Similarly, when the Taxation Committee's report was out, they would find full satisfaction in it. As for India's position, the speaker believed she was a wealthy country and extremely wealthy, though her true wealth was inequitably distributed. They should therefore find out how best to raise taxation for the further development of the country. He said that about 2,000 crores of rupees worth of crop was reaped every year in India. They could work out what per head it came to and this excluded her wealth in minerals, timber and other commodities. He quoted figures, and said that as a result of irrigation introduced by British rule there was an increase of between 30 to 60 per cent in cultivated area and this was far above the proportion of the rise in population. Therefore, India had surplus produce and exported it abroad and got money for it. This was how under British rule India had grown richer. As for the poverty of the people it was based largely on laziness and other social reasons such as early marriages.

Mr RANGASWAMI IYENGAR asked the House not to be misled by the rosy picture painted by the Finance Member of the would-be results of the Taxation Committee. Just as in holding the Taxation enquiry before the economic enquiry, the Finance Member was putting the cart before the horse, so in thinking that the committee could evolve a scheme of Federal Finance without having a system of Federal Government, Sir Basil Blackett was putting the cart before the horse. How could they introduce the Federal scheme, he asked, without amending the Government of India Act and the various rules thereunder? The other day, Sir Fredrick Gauntlett, Auditor-General, in giving evidence before the Reforms Enquiry committee, admitted that the grant of financial autonomy to the provinces would involve a very complicated process, particularly about deciding upon the grant of cash balances to the various provinces. The speaker was right in saying that the real purpose of the enquiry proposed was not to evolve a scheme of Federal Finance, but to explore fresh sources of taxation of the people of this country. Moreover, the complicated question of Land Revenue had been left out. He therefore supported Mr Goswami's amendment.

Pandit M M MALAVIYA warned his European friends not to be led away by the sight of a few green fields and the amounts of the exports from India. Everything in India had been taxed, and he wondered whether there was avenue left for taxation. In appointing this committee the Finance Member had usurped the functions of the Assembly. If the matter had been placed before the Assembly, it would have offered its opinion which would probably have been of the same lines as those suggested by the amendment of Mr Goswami. When Mr Wilson had spoken of India's increased prosperity, had he thought of increasing taxation, including income-tax, super-tax and land revenue? The taxation enquiry was like adding insult to injury. A scientific method of taxation was an impossibility and there was no use wasting time, labour and money on the Taxation Committee. The only best method was a general enquiry into the economic condition of the people by taking certain villages in each province for enquiry. He therefore supported Mr Goswami's amendment.

Mr JOSHI in a long speech justified the necessity for the Taxation Committee but saw no reason why the larger enquiry should not be held along with it or prior to it. He justified the taxation enquiry because he believed there

was a large class of people who must not be taxed at all. He hoped the Taxation Committee would find out which class should not be taxed at all.

[Mr Rama Iyengar: Can this Committee do that?]

Sir Basil Blackett: Certainly!

Mr Joshi, continuing, observed that if people from Madras and other distant part of India could go to Assam for a salary of six rupees per annum, then really the condition of the people in the villages could be easily imagined. He therefore thought that the Taxation Committee must not be dissolved but must be made to conduct the enquiry. As for its personnel, he thought it was impossible to get a much better committee even by election.

Mr RAMACHANDRA RAO reviewed the history of the demands for an enquiry put forward from time to time and quoted in extenso telling extracts from the views of several prominent authorities in economic matters to point out the need for an enquiry. He opined that there was no basic principle in the system of taxation and said the enquiry by a Taxation Committee should not be dropped, but he wanted to know the difficulty in making the present enquiry comprehensive so as to include the taxable capacity of the people.

#### MR JINNAH'S AMENDMENT

Mr JINNAH then moved an amendment for the "dissolution of the present Taxation Enquiry Committee and the appointment in its place of a committee of non-officials and experts, in consultation with the leaders of the parties in the Assembly, to institute a thorough enquiry into and report on the following matters with the power to them to make an 'ad interim' report —

- (1) The economic condition of the various classes of the people of India,
- (2) their income per head
- (3) their capacity to bear the existing burden of taxation (including land revenue),
- (4) the general resources of the country,
- (5) the manner in which the burden of taxation is distributed at present between the different classes of the population,
- (6) whether the whole scheme of taxation, central, provincial and local, is equitable and in accordance with economic principles, if not, in what respect it is defective,
- (7) on the suitability of alternate sources of taxation without increasing the present level,
- (8) as to the machinery required for the imposition of assessment and collection of taxes old and new, and
- (9) on the general financial and economic effects of the proposal.

Mr GOSWAMI thereupon withdrew his amendment.

Pandit MOTILAL moved an amendment to Mr Jinnah's amendment to provide that instead of the committee being appointed by the Government in consultation with the party leaders, one-third of the personnel of the committee should be appointed by the Government and two-third by the House.

Sir ALEXANDER MUDDIMAN pointed out that the proposal for the appointment of an executive committee by the House was unconstitutional, and it was proposed in Mr Jinnah's amendment to hold an enquiry into the Central, Provincial and Local taxation. Were they going to force such a committee without consulting local Governments? Moreover, would it not interfere with provincial autonomy?

The President pointed out the personnel and the manner of the committee's appointment. To that extent therefore it was similar to Mr Goswami's amendment which had been withdrawn. Therefore the Pandit's amendment was not in order. Sir Basil Blackett then summed up the debate.

**The amendment of Mr Jinnah was put to vote and carried by 62 to 42 votes**



## NON-OFFICIAL BILLS—23 SEPTEMBER

**Criminal Law Amendment Bill**

On the 23rd September in moving the final reading of his bill to repeal Part II of the Criminal Law Act Dr GOUR said he was asking the House to do what the Government had failed to do despite the recommendation of the Repressive Laws Committee

Mr TONKINSON, Home Secretary, hoped that he might still persuade the Assembly to reject the Bill, because the reputation of the House was involved. It has been stated, he said, that the present Bill proposed to remove the restriction on the right of association. This was an incomplete statement of the case. He quoted extensively from Professor Dyce and Professor Sidgwick—whom Pandit Motilal had recognised as authority—to show that the right of formation of an association was restricted by the obligation that it did not limit the freedom of its members and the freedom of outsiders. Who could deny, asked the speaker, that the recent volunteer movement interfered with the freedom of outsiders? As a matter of fact at present the exercise of the right of formation of association was raising a difficulty in every civilised country in the world. England had witnessed a series of strikes and lock-outs. The United States was faced with the effects of Mercantile trusts to create for themselves monopolies. Professor Sidgwick had also pointed out that if there was systematic disobedience to law encouraged by any association, the State must protect itself against such associations. This was a theoretical justification of the provisions relating to association. Even in England, for whose law of jurisprudence Pandit Motilal had expressed admiration, there were provisions of law to prevent associations from disturbing public peace. He quoted from Sir Reginald Craddock's statement in 1913 that if there was a gap in the Criminal Law it must be filled up immediately. Dr Gour's bill on the other hand wanted to create a gap. The speaker believed that the Act ought to remain as a permanent part of the law of the land, but instead of amending the Act what was now proposed was the repeal of it. Provisions of the Bill were being already used in the Punjab, where intimidation and terrorism had been practised. The Government had been informed by Pandit Motilal of the seriousness of the position and in view of their responsibility for the maintenance of law and order the Government would not abandon any precaution at this juncture.

Lala DUNI CHAND said that the law was being applied in the Punjab most wantonly and indiscriminately and had been abused. He believed that the provisions of the Cr P C and the IPC were quite enough to meet these emergencies.

Mr JINNAH said Mr Tonkinson had delivered an essay on law and his speech was rich with quotations from most elementary texts, but he had not answered the question the speaker had put. Was there any Government in the world which asked for such extraordinary powers in normal times? Anarchical crime could not be dealt with under this Act and the Government had not quoted a single instance where anarchical association had been dealt with under this Act. It was now being applied only in the Punjab. The speech of Mr Tonkinson appeared to the speaker as from a ruler who would not brook any interference with his orders or administration. Under the Act an Executive order was supreme and a member of an unlawful association must either go to jail or resign his membership, even if he thought that the association was doing noble work. Instead of losing its reputation by voting for repeal, the speaker emphasised that the House would lose its reputation if it did not vote for the repeal.

Pandit MOTILAL said Mr Tonkinson had, by misrepresenting his speech, used it to support the Government case. He had said that the whole basis of his speech was that the Government was responsible for these anarchical associations and that unless the Government mended its way, the associations would not only not cease to exist but one fine morning the Government would

wake to find the whole of India in the grip of secret societies "You are standing on the edge of the precipice One false step will take you fathoms down into the abyss"

The Home Member had said that although they could not use the law against secret societies they could use it to prevent other associations and waverers from joining them The speaker felt that the Government could not possibly touch these associations Perhaps the only law that could help them would be to take charge of all youths of the country who might be just on the verge of joining the movement He denied that in England such a law existed and enabled the Executive to declare an association unlawful Here it was entirely in the hands of the Executive to decide whether an association was unlawful or not and the sting lay in the fact that the judiciary had no power The reputation of the House was that it had pledged itself to repeal all repressive laws and there was no doubt that the measure under discussion was repressive

Sir Alexander MUDDIMAN said he had heard no one suggesting that associations which had as their object intimidation and terrorism should not be dealt with

Mr Jinnah But who should be the judge?

The Home Member Then that was a case for the amendment of the Act, but not its repeal They were all agreed that associations of the kind described in the Act should be suppressed

Sir Sivaswami asked whether the Government would repeal clause 15 B which empowered the Executive to declare an association unlawful, that would determine his vote

The Home Member said he could not be expected to give a pledge on an important point at the last moment If the speaker had been asked on the previous day, he might have consulted the Government of India in the meantime

Dr Gour pointed out that Sir Chimanlal Setalvad had asked for a similar assurance on the last day

The Home Member replied that Sir Chimanlal had not asked for the repeal, but only for an intervention of the judiciary Continuing, the Home Member said his main point was this, that considering the position in Bengal and the Punjab he held that the position was abnormal Mr Jinnah had said that such legislation should not be asked for in normal times He agreed that those were not normal times The power might not be fully against anarchy, but he was quite prepared to use it as far as he could "If you do away with these special powers there is no stage left behind the ordinary law and Martial Law"

Mr Jinnah Good Government

Home Member I trust the Government is already good (laughter) Concluding, the Home Member opposed the motion

**Dr Gour's motion that the Bill be repealed was then put to vote and passed by 71 votes against 40**

#### AMENDING THE EVIDENCE ACT

Mr Rama Iyengar's motion to refer his Bill to amend the Indian Evidence Act to a Select Committee was negatived

#### REGISTRATION ACT AMENDMENT

Mr RANGACHARIAR moved that his Bill to amend the Indian Registration Act be referred to a select committee The Bill is to enable some sub-registrars to exercise powers and duties of a registrar to hold an enquiry on denial of execution

Mr TONKINSON said that the Bill referred to Provincial Transferred subject and local Government should be given an opportunity to express their view on the Bill He moved for the circulation of the Bill which was agreed to

### Unlawful Assemblies and use of Fire Arms.

Mr RANGACHARIAR moved that the Bill, to provide that when fire-arms are used for the purpose of dispersing an assembly a preliminary warning shall in certain circumstances be given, be referred to a Select Committee consisting of the Home Member, Mr Jinnah, Dr Gour, Sardar Gulab Singh, Mr B Venkata-pathu Raju Ghaznafar Ali Khan, Mr Tonkinson, Mr Goswami, Mr Pal, Pandit Madan Mohan Malaviya, Mr W S J Wilson and himself

In moving this motion Mr Rangachariar briefly narrated the history of this Bill. He said the Right Hon'ble V S Srinivasa Sastri urged in 1921 in the Council of State that when fire-arms were used for the purpose of dispersing an assembly a preliminary warning should be given and a certain procedure should be adopted. A Bill to give effect to a portion of this resolution was introduced in the Council of State by the Government of India and passed there in August 1921. When the Bill as passed in the Council of State was presented to the Assembly for consideration, he (Mr Rangachariar) gave notice of an amendment as contained in this Bill. Sir William Vincent took permission of the Assembly to withdraw the Bill in order to consider the amendments and bring it up again if so desired. The Government decided to drop the Bill altogether and did not make any further motion.

Mr Rangachariar in explaining the Bill said that he felt that the law in India was in many essential respects different from the law in England and he saw no reason why it should be so. The possession of fire-arms was rather a dangerous incentive to use indiscriminately and when there was no necessity for it. He knew that in their recently published despatch on Justice McCordie's judgment the Government of India had dissociated themselves from the doctrine of indiscriminate firing but there had been cases where fire-arms had been resorted to unnecessarily. He quoted cases in Madura and in Choolai in Madras where his conviction was that there was no necessity for the use of fire-arms. He knew that it was due more to want of nerve on the part of police men that fire-arms were used than any deliberate intention to kill. Policemen get panic-stricken and the possession of fire-arms served an incentive to use them. He knew that the Government recognised that they should issue executive orders, on the lines indicated in the Bill, but executive orders were different from provisions in the law. Before an assembly was fired upon, fullest warning should be given by all available means to the assembly that unless it dispersed within a given time it would be fired upon and any person injured by the use of fire-arms or any parent or guardian, husband or wife of the person killed might make a complaint against any person for any offence committed by him. This provision was necessary. Prosecutions were not launched by the Government themselves against officers who had deliberately used fire-arms. The absence of such a provision encouraged the officers to use fire-arms indiscriminately, for they knew at present that the Government would support them. Mr Rangachariar asked—Was there any case in which the Government took the initiative and prosecuted officers where they had gone wrong? There was none. Hence the need for providing that the injured party might have resort to a court of law as was the case in England.

Sir Alexander MUDDIMAN in opposing the motion made a long speech justifying the existing practice. He admitted that it was of the greatest importance that fire-arms should be used in the most discriminate manner, but he wondered if Mr Rangachariar had ever been a rioter or seen a riot himself (Laughter). To meet a man in battle was one thing and to deal with a mob was another, because in the latter case courage and determination were necessary. Mr Rangachariar had talked that Indian crowds were peaceful and could be restrained. He was right up to a certain degree, but where there was religious passion or some powerful motive he wondered if the crowd could be peaceful and be dispersed. The Home Member admitted that there had been and there would be cases in which officers might have lost or might lose their heads, but these were exceptions and not the rule. Speaking generally, Sir Alexander thought that the thanks of the Assembly were due to these officers who had to carry out duties of an unpleasant character. He paid a tribute to many Indian officers who in circumstances of great difficulty had shown great courage and great discretion.

Sir Alexander Muddiman then analysed every rule which Mr Rangachariar had laid down in the Bill. As regards the first, he asked, who was to judge whether an Assembly could not be dispersed except by the use of fire-arms? Could it be a matter of judicial finding before the use of fire-arms? As regards the rule that there must be written order before fire-arms were used the Home Member asked the House to imagine a crowd of rioters one half consisting of Hindus and the other of Mahomedans, both in the pitch of excitement, and that policemen were between them and if on account of the throwing of brickbats on either side, some half a dozen die, was it the duty of the police then to sit quiet and wait for an order in writing? Indeed it would be difficult in such cases to wait for an order in writing because the Police would be torn to pieces between the two sides. Of course there were cases in which an order in writing could be obtained. In England there was no restriction on the use of fire-arms against a mob. The discretion of an officer was absolute, but the Riot Act was read and any one who remained in an unlawful assembly after one hour was guilty. As regards the fullest warning being given to an assembly the Home Member asked who was to give the warning? Was it the Magistrate or the mob? He had heard of cases in which the mob decided this point. (Laughter)

Although he agreed that the fullest warning should be given yet they could not lay down a provision in law to that effect because it was impossible to be carried out. He had no objection to Clauses 4 and 5 but he pointed out that there were difficulties in making a full report within 24 hours of the occurrence. Such reports would not be complete. He quoted the experience in the case of the recent Delhi riots. The Home Member, speaking as regards the injured person resorting to law courts against the officer responsible for the offence of using fire-arms, said that the need for use of fire-arms was more frequent in India due largely to communal differences, racial differences and religious differences.

Mr Rangachariar And nervousness

Sir Alexander Muddiman Whose nervousness?

Mr Rangachariar Of the Police

Sir Alexander Muddiman A nervous Police constable is a person whom I am yet to meet. A policeman will become nervous only when you provide by the law that he will be proceeded against if he happens to use fire-arms. Indeed by such a provision you may be deterring him from doing what he ought to do in the interests of the remainder of the population.

**The motion of Mr Rangachariar was then put and carried by 58 against 38 votes**

Mr Rama Iyengar's motion to refer his Bill amending the Registration Act to a Select Committee was carried by 42 votes against 30.

#### OTHER NON-OFFICIAL BILLS

The House then proceeded to consider the introduction of new Bills.

Mr CHAMANLAL introduced his bill to make provision for weekly payment of wages to workmen, domestic servants and other employees. He said his bill intended to save the workers out of the clutches of mill agents and mill managers. Recently the Bombay Government took notice of this matter and later in Parliament it was stated that the question of weekly wages was under consideration.

Mr JOSHI next introduced his bill to regulate the employment of women in factories and mines and of those estates to which the Assam Labour and Emigration Act of 1901 applied, some time before and some time after confinement, and to make provision for the payment of maternity benefit.

Mr Chalmers, a tea gardener from Assam, said that in Assam they were ahead of all other countries in the concessions they had made to women employed there. He objected to discrimination made against Assam and considered the proposal as unjust.

Mr K C NEOGY next introduced the Bill to amend the Railway Act with a view to prohibit reservation of compartments for persons belonging to a particular community or race

Dr GOUR then introduced the Bill to amend the Special Marriage Act of 1872 with a view to remove anachronism and bring the age of the majority down from 21 years to 18 as provided for in the Indian Majority Act at present. Those between the age of 18 and 21 who did not have fathers or guardians could not marry under the Act

Mr Doraiswamy IYENGAR'S Bill to amend the Stamp Act was opposed by Sir Basil Blackett as it was an attack on the stamp revenue of the provinces and the Central Government. The introduction of the Bill was refused by 47 votes against 27

### NON-OFFICIAL RESOLUTIONS—24th SEPTEMBER

The Legislative Assembly held its last sitting of the session on the 24th. Non-official resolutions appeared on the agenda paper, of which the first three related to the cotton excise duty, causes of floods, and release of political prisoners

#### Cotton Excise Duty

Further discussion was then continued on the resolution of Mr Kasthurbhai Lalbhai for the removal of the cotton excise duty, and the reference to the Tariff Board of the question of further protection to cotton industry. Mr Harchandrai Vishindas reviewed in detail the history of the cotton excise duty and the demands put forward from time to time for its removal in the Legislatures. He referred in particular to the promise of Lord Hardinge and asked that it should be fulfilled now at least

Mr NEOGY moved an amendment to the effect 'that the cotton excise duty be repealed, and that the question of further protection to the industry be not referred to the Tariff Board'. He opined that the removal of the cotton excise duty would not affect the hand-loom industry. Coming as he did from Dacca, he was in a position to state that so far as finer quality cloth was concerned, it would not be affected by the withdrawal of the excise duty. He appealed to the Government to consider the moral aspect of removing this duty, which had been imposed under the dictation of Lancashire

Sir Charles INNES avoided the unhappy history behind the duty and admitted it was a bad tax, a condemnation which, Sir Purshotandas said, was most disappointing at this late hour. Soon after standing up Sir Charles Innes took a big plunge into the sea of statistics and both he and the House seemed to be lost in it. What was he aiming at? To prove that despite this impost the cotton mill industry had greatly thrived and there was no case for any protection. The prosperity of mills, retorted Pandit Malaviya and Sir Purshotandas, did not prove that the impost was not unbearable but that despite this burden which at the dictation of Lancashire had been put to strangle Indian cotton mills the mill industry had thrived by its own heroic efforts and had attained a position which had extorted admiration from the Commerce Member. Sir Charles Innes next proceeded to state that the Indian mills regulated their prices according to the price of imported cloth and that if the duty was lifted it would only transfer 1-2 crores from Government coffers to the pockets of the millowners. Was it right that money taken out from the collective purse of India should go to benefit certain individuals? Should they for the sake of a mere moral gesture, asked Sir Basil Blackett, remove the duty rather than vote for a reduction of provincial contributions which would help the masses by the spread of education?

The same argument almost formed the sole basis of Colonel Crawford's attack when in his pretended enthusiasm for the interests of the masses of India he characterised the attack of the representatives of Indian millowners as 'indecent'. The expression jarred on the ears of the House. It was not only unparliamentary but in absolute bad taste. But unfortunately the President did not hear it. Pandit Malaviya therefore immediately brought it to the notice of the Chair and Colonel Crawford had to eat the humble pie and withdraw it.

Pandit MALAVIYA thereupon exposed the false impression created by the Government spokesman. He showed that in the past Indian cotton mills had not necessarily regulated their prices on the basis of imported cloth and that if the duty was removed they were expected to reduce their prices. But even if they did not, who bene fited? The country as a whole, because the surplus would be used to enable the mill industry to withstand the serious raids made into the Indian market by cheap Japanese piecegoods and to expand the industry with a view to enable India to become self-contained in the matter of cloth production.

Sir Charles INNES did not rest content with merely opposing the repeal of the excise duty. He warned the House that if and when this duty was removed he would at once ask the Tariff Board to enquire whether the interests of the consumers required a countervailing reduction in the duty on imported cloth.

Three years ago when the Government in search for additional revenue proposed to increase the duty on imported cloth it wanted also to impose a countervailing duty on Indian cloth. As the latter proposal was rejected by the Assembly the Government dropped the former, thus showing that even as late as 1922 Government moved at the dictation of Lancashire.

Sir Purushotamdas THAKURDAS spoke with great feeling and asked the House to stop this tainted money going into public coffers. He was not pleading for its abolition because of any consideration of profits. He assured the House that he would not mind any such duty being imposed by the House if it thought it necessary. He would even consider any other financial proposal for putting the Government into funds or suggest alternatives, but this wicked duty must go.

The question however was not easy of solution. As stated by Mr Ramchandra Rao, Government had placed them on the horns of a dilemma. Both the Commerce Member and the Finance Member had indicated and by implication suggested that at the time of the next budget the House would have to choose between a remission of the excise duty and a reduction in provincial contributions. Because, said Sir Basil, he would not be able to remit both these for at least the next three years. Mr Rangachariar asked whether there was no other alternative. Sir Basil Blackett offered none. It will be remembered that last March also the Assembly was placed in a similar position by being asked to choose between the salt tax and a reduction in provincial contributions. As similar choice it would be called upon to make in March, Mr Ramchandra Rao, who came from Madras which has carried on a greater and more consistent agitation against provincial contributions than any other province, voiced the general feeling of the House that they would consider that question when it came up but now they would unhesitatingly vote for the resolution to express the indignant feeling of the House against the perpetuation of a grave political wrong.

Mr KASTHURBHAI LALBHAI, replying, accepted the amendment of Mr Neogy. He rebutted the criticisms of Sir Charles Innes, and referring to the profits of cotton mills, he asked, did not the jute industry of Bengal earn 130 per cent profits during the war, whereas the profits of cotton mills in India were only ten per cent? Moreover, the increase in the number of looms and spindles in England, America and Japan was greater and more rapid than in India.

Sir Charles INNES, summing up, pointed out that it was absolutely untrue that the duty was imposed at the bidding of Lancashire. India enjoyed a measure of fiscal autonomy, as was proved by the passage of the Protection Bill. Whenever in any fiscal matter this House and the Government of India were in agreement, the Secretary of State would not interfere. But the whole question of excise duty should be solved solely with reference to the interests of the whole of India. That was why he had referred to the economic aspect of the case. That economic fact was that the price in India was regulated by the import price. He then asked the House to understand its responsibilities to India and vote in the interests of the whole of India.

The amendment of Mr Neogy was then carried amidst non-official applause the Government not challenging a division.

## FLOODS IN INDIA

Mr B N DAS then moved for a Committee of Experts to enquire into the causes of recurring floods all over India and to advise the Central and Local Governments on the best remedies against such floods. He expressed his conviction that disastrous floods such as had recently happened in India were due partly to artificial causes like the lack of foresight of human mind and brain. Canal embankments obstructed the natural drainage of water-ways in India, and sometimes diverted their course. There were also railway embankments with their sledge-hammer lines running mostly parallel to water-ways in India. The hand of man in erecting these embankments of railways and of canals and highways without taking into consideration the general water-ways of the country was responsible for these ever-recurring floods, with consequent epidemics and famines, etc. As an Engineer himself, Mr Das maintained that the lack of foresight of his profession had turned the country into a land of floods, famine and epidemics. In the United States of America, great engineering works had been undertaken, and in some cases completed, to prevent the ravages of floods. There was no department in the Government of India to take such precautions. He hoped that this Government, which posed itself as the Ma Bap of the teeming millions, would accept the resolution.

Mr CHATTERJI being in charge of the Irrigation, Roads and Buildings Branch, assured the House that the Government thought that the debate had served a very useful purpose and that the question would engage the serious attention of the Government, but in this matter the initiative must come from the local Governments. This did not mean that the Central Government disclaimed any responsibility. Replying to Mr Ramachandra Rao's point, he said the railways also suffered by the floods, both by breaches and loss of traffic. The railways were therefore as much interested in avoiding floods as the general public. He assured that the Government of India would address the Local Governments and take any action which might be called for in consultation with the Local Governments.

## RESOLUTION WITHDRAWN

On this assurance Mr Das withdrew his resolution but hoped it would not be pigeon-holed.

The third resolution on Political Prisoners could not be moved for want of time.

The President then announced that as a result of election the following were elected as members of the Standing Finance Committee for Railways: Sir Purushottamdas Thakurdas, Mr Abul Kasim, Mr Aney, Mr Wilson, Mr Patel, Mr Darcy Lindsay, Sir Sivaswami Iyer, Mr Samaiullah Khan, Mr K C Neogy, Mr Jannadas Mehta, and Mr Rama Iyengar.

## SESSION PROROGUED

A message was then read from H E the Governor-General proroguing the session of the Assembly, and the House then dispersed.

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# The Council of State

SIMLA—3rd SEPTEMBER 1924.

The COUNCIL of STATE met first on the 3rd September when several questions were answered and four Government Bills were introduced. Before the proceedings commenced five members were sworn in.

## AMENDMENT OF LEGISLATIVE RULES

At question-time Dr Dwarka Nath Mitter, on behalf of Sir Devaprasad Sarbadhikari who was absent, put several questions. One of them asked *inter alia* for the reasons and circumstances relating to the amendment of the Legislative Rules regarding additional or supplementary grants.

Mr CRERAR, the Home Secretary, in his reply said: As the Hon Member is doubtless aware, a temporary injunction was granted by the Calcutta High Court on the 7th July against the President of the Bengal Legislative Council, including in that term the Deputy-President and the Panel of Chairmen, restraining them from putting a motion relating to a supplementary grant before the Bengal Legislative Council pending the final determination of a suit which had been filed in that court. In the course of the order directing the issue of the injunction, Mr Justice Ghosh held that the motion could not be presented to the Council because of the provisions of Rule 32 of the Bengal Legislative Council Rules. It will be remembered that the Joint Select Committee of Parliament, in their remarks on Clause II of the Bill of 1919, suggested that the Governor would be justified, if so advised by his Ministers, when a Council had altered the provision for a Transferred Subject in re-submitting a provision to the Council for a review of their former decision. The Joint Committee intimated that they did not apprehend that any statutory prescription to that effect was required. As stated by the Secretary of State in the House of Lords on the 21st July, 1924, the Government of India and the Secretary of State agreed in thinking that the rules referred to did not in fact preclude such a motion as was proposed to be moved by the Government of Bengal. In view however of the opinion expressed by the learned Judge of the Calcutta High Court and of the fact that the Government of India understood that a similar motion was proposed to be moved in the Bombay Legislative Council which was due to meet on the 21st July, the Government of India considered that it was desirable to amend the Rule. They accordingly made the necessary recommendations in regard to the Indian Legislative Rules and the Legislative Council Rules of each province. Their recommendations were sanctioned by the Secretary of State-in-Council and amendments to remove all doubts as to the meaning of the Rules were made on the 19th July and published on the 21st July. He would merely add that Mr Justice Ghosh, in directing the issue of the injunction, concluded his order by expressing the opinion that the Rules required revision in the light of the events in the case before him. The Reforms Inquiry Committee was not sitting at the time and the proposals for amendment and the reasons therefor were accordingly not laid before that Committee. The Government of India did not know whether the Law Officers of the Crown were consulted in England at the time. They did not themselves consult the Advocate-General of Bengal. The Government were not prepared to lay the correspondence on the table.

Mr Vedomurti asked if these rules were placed on the table of the House of Commons before they were brought into operation.

Mr Crerar: I have no doubt that was the case, but it is not a matter within my cognisance.

## LORD OLIVIER ON REFORMS

In another question Sir Devaprasad SARBADHIKARI called the Government's attention to Lord Olivier's speech in the House of Lords on the 21st July on



the Indian Reforms and asked whether his speech was not likely to prejudice the Reforms before the present Muddiman Committee completed its labours

The HOME SECRETARY quoted the text of Lord Olivier's speech explaining the Home Government's position and said that in view of those terms no question of a representation to the Secretary of State arose,

#### LAND REVENUE QUESTION.

Sir Narasimha SARMA informed Sardar Jogendra Singh that the Government of India had only just received the reports of the Committees appointed by the Governments of Madras, the Punjab and the United Provinces on the Land Revenue question

A supplementary question by Sardar Jogendra Singh drew the reply from the Education Member that some of these reports recommended a revision of the standard and an extension of the period of settlement, but the Government of India would be consulted on these matters and if properly raised, those matters could be discussed by the Central Legislature

Mr Crerar, replying to another question of Sir Devaprasad Sarbadhikari, said that it was hoped that a delegation of the Empire Parliamentary Association would visit India during the ensuing cold weather and that an opportunity would then occur for arranging informal conferences between the delegation and members of the two Houses of the Legislature, to discuss the part to be taken by the Indian Legislature in the Association and other matters connected therewith

#### THE KENYA QUESTION

Sir Narasimha SARMA, replying to Sir Devaprasad Sarbadhikari's question regarding the pronouncement of the Secretary of State for the Colonies about the Kenya question, said the Government of India would avail themselves of a suitable opportunity to make further representations in this connection. Sir Narasimha Sarma, on behalf of the Viceroy, the Government of India and himself, expressed high appreciation of the work of the Colonies Committee. That Committee had a delicate and difficult mission and had discharged it with great credit to themselves and advantage to the Government

Hon Mr Srinivasa Sastri asked for the publication of the correspondence relating to the Kenya question, after obtaining if necessary the consent of the authorities concerned

Sir Narasimha Sarma referred Mr Sastri to his (the speaker's) speech on the 10th March in the Council of State. The Government of India felt that the Kenya question was still a live issue and that it would not be possible just at present to obtain the consent of all the parties concerned to the publication of the correspondence, but Mr Sastri's suggestion would be taken into consideration

Replying to Mr. Sastri's questions, the Education Member said that the Government of India were in communication with the Secretary of State for India on the subject of watching the interests of India and her nationals in so far as they might be affected by the inquiries of the various Committees and Commissions recently announced by the Colonial Secretary, in respect of East Africa and other territories. As regards securing a modification regarding the franchise in the highlands and Indians in the public service in Kenya, the Government of India would avail themselves of a suitable opportunity to make further representations

Mr Vedamurti asked if it was a fact that at the opening of the Legislative Council of Kenya on the 20th August, the Council Chamber segregated Indian reporters

The Education Member said he had no information,

#### INDIAN DELEGATION TO THE LEAGUE OF NATIONS

Sir Mahomed SHAFI replied to Mr Sastri that the Secretary of State, after most careful consideration, appointed Lord Hardinge as leader of the Indian delega-

tion to the Assembly of the League of Nations Before this decision was reached every consideration was given to the assurance conveyed on behalf of the Government in the debate in the Council of State last March There was no question that a non-Indian would more properly expound the subject to be discussed at Geneva The Government of India had no information whether the suggestion to appoint Lord Hardinge emanated from the Secretariat here or from the India Office at Whitehall, but the Secretary of State was placed in possession of the Council of State's proceedings before he arrived at the decision

#### INDIAN SOLDIERS' LITIGATION

Four Government Bills were then introduced by Mr Crerar without discussion The first Bill was to consolidate and amend the law to provide for special protection in respect of the civil and revenue litigation of Indian soldiers serving under special conditions

#### PROVIDENT FUNDS BILL

The next Bill introduced by Mr Crerar was to amend and consolidate the law relating to Government and other provident funds The objects of this Bill are several At present the Provident Funds Act provides that sums standing to the credit of a depositor are payable to the widow or children at the decease of the depositor and such sums do not form part of the estate of the deceased and the interests of the widow and children are protected It is considered that the same degree of protection should be accorded to other dependents of the deceased, besides the widow and children, as otherwise the accumulations of a depositor who dies before such accumulations are disbursed to him may be held liable to meet the debts It is also provided in the Bill that with certain exceptions, in spite of debts, liabilities, assignments or any form of encumbrance, the depositor on retirement (or his dependants or nominees if he dies before retirement or after retirement but before actual disbursement) should receive intact the accumulations at his credit in the fund

#### MOTOR VEHICLES ACT AMENDMENT

The third Bill introduced by Mr Crerar was to amend the Motor Vehicles Act consequent on the decision of the Bombay High Court that the rule of the Bombay Government regarding the annual registration of motor vehicles is *ultra vires*, the Local Government not having power to make such a rule under the present Act But there was urgent need for annual registration especially in connection with traffic control in large cities The majority of the Local Government consulted were in favour of amending the law It was therefore proposed in this Bill to legalise the renewal of registration of motor vehicles after such period and on payment of such fees as may be considered desirable by Local Governments

#### OBSCENE PUBLICATION TRAFFIC

The last Bill was to give effect to certain articles of the international convention for the suppression of the circulation of, and traffic in, obscene publication The important feature of this bill is to fix the age at 20 under which a person should be considered a minor in respect of whom offences might be committed It also provides for the searching of any premises where there is reason to believe that objectionable matters are either made or deposited

#### SIMLA—9TH SEPTEMBER.

On September 8th the Council met for Official business The Soldier's Litigation Bill and the Motor vehicles Amendment Bill were only considered and passed

September 9th was the non-official day and important resolutions were moved The first was on the Sikh situation in the Punjab

#### THE SIKH QUESTION

Sardar JOGENDRA SINGH initiated the debate on the Sikh question giving the history how due to the loss of Sikh Raj and the decadence that followed,

the Mahants got the lands attached to the shrines entered in their own names and urged absolute claim to control the Gurdwaras according to the wishes of the majority of his community. Last February he had put down a motion for the appointment of a Reconciliation Board to arrive at a settlement of the Sikh question. It was not favoured by the hallor until the 16th of last month. In the meantime the Birdwood Committee, which never really existed, had failed to do what Sardar Jogendra Singh's Board was expected to achieve, and that in itself, as Sardar Charanjit Singh, while sympathising with his fellow Sikhs, was not slow to point out, was a strong argument against the motion. The Sardar from Kapurthala wanted the Council to leave the matter to Sir Malcolm Hailey, who should have a free hand and full discretion. The Government's view, as voiced by Mr. Crerar, was much on the same line, and, in the event the mover recognised the force of the arguments adduced and withdrew his motion. He had, however, not wasted the time of the Council. For one thing the debate brought forth a telling maiden speech from Sir William Birdwood, who could have chosen no more fitting subject on which to make his first contribution to the proceedings of the Council. Moreover, although the Government could quite well have asked the President to disallow the motion, as mainly concerning the Punjab Legislative Council, Mr. Crerar agreed with Sir Devaprasad Sarbadikari that in some respects it was an all-India matter. Anyway, the Government were glad to show that they were willing to discuss the question.

Sardar Jogendra Singh suggested practical lines on which his Board could proceed. He was compelled to avoid reference to the Parbandhak Committee's intrusion of political considerations into the agitation for reform of the shrines. Sikhs only wanted legislation to permit them to exercise control over their own shrines, but for some unexplained reason the Government would not come forward and solve their difficulties. The Courts were powerless to prevent abuses. The Akalis were puritans who had merely desired to get rid of profligate mahants. They had been turned out of lands belonging to gurdwaras in the name of law and order. A large number of them had given their lives at Nankana Sahib for the Sikh cause. As a minority community they could not hope to get legislation through the Provincial Council without the help of the Government. The Sardar dealt in his speech with much comparative history. The Council was reminded of Henry VIII's dissolution of the monasteries, and of the parallel to the Akali demonstration offered by the English suffragettes.

Sardar Jogendra Singh alluded to the prowess of the Sikhs on the battlefield, and to the failure of the Birdwood Committee, which had nearly effected a settlement. Hope was not dead, but the Government should move. There was no other claim put forward by the Sikhs than that they had a right to control their own gurdwaras. There was no difference on that question. They stood united, determined to resist to the end, and they would not be defeated. Then the Sardar discussed the Nabha dispute by asking whether the Government would remain idle if English people were forbidden access to Christian churches in China. If the Government of India protected the rights of their nationals in foreign countries, why not in Indian States?

The Political Secretary intervened on a point of order, and the Chair reminded Sardar Jogendra Singh of the time limit. The mover then summarised the Sikhs' demand as merely for legislation empowering them to control their shrines and the release of their prisoners.

Mr. CRERAR, on behalf of the Government, paid a tribute to the sincerity and good-will animating the speech. The Home Secretary was in a conciliatory vein and expressly avoided dangerous topics, contenting himself with deploring the results of a baneful and acrimonious controversy and method, little calculated to promote good citizenship and respect for the rights of other communities. The general policy of the Government was the only policy that any Government alive to their responsibilities could accept. Public security must be maintained and at the same time the Government were willing to consider any proposals which offered a stable and equitable solution, having

due regard to all interests. Quoting from Sir Malcolm Hailey's speech as Home Member to the Legislative Assembly in February last and recently to the Sikh Sardars at Ambala as Governor, Mr. Crerar emphasised that the Governor of the Punjab was a friend and not a destroyer of the Sikhs. His position was simple. The Executive must carry out the decrees of the Judiciary, which interpreted the laws of the Legislature. Was this the time to form a Reconciliation Board? The methods of the Prabandhak Committee were disliked by a growing body of Sikh opinion. Let Sardar Jogendra Singh assist that opinion to become more vocal, so that the whole community could be freely and effectively consulted. The door was still open for negotiation, the Governor's hand still stretched out.

Mr. KHAPARDE briefly urged that the main fault lay with the law, which was inadequate to give the reformers their desired redress with sufficient promptness. Sardar Charanjit Singh, while sympathising with Sardar Jogendra Singh's motives, thought the method proposed could not be opposed and made the appeal that the Council should leave things to Sir Malcolm Hailey.

Sir William BIRDWOOD paid a warm tribute to the efforts made during the last three years by the mover to solve the Sikh problem, but he wondered whether the Sardar had fully thought out his proposal to its logical conclusion. Sir William himself had in the course of his recent enquiry met Sikhs of all classes and sections. He first thought his task was simple. Then he discovered that all the panaceas proposed to him differed, indeed, were as the poles apart. On one side he was advised to hand over all the shrines to the Akalis, on the other to deprive the Akalis of what shrines they possessed. Forty years ago, as a subaltern, he had first made acquaintance with the Sikhs and boyhood's friends were staunchest. Later, in the defence of Samana, he had seen the gallantry of the 36th Sikhs and also the supreme bravery of a little band of Sikhs who died to a man defending, unsuccessfully alas, the post committed to their charge. To such men he would confidently entrust the protection of his wife and children, knowing they would be defended to the last. On his recent tour he had gained vivid impressions of the Sikhs. As he went through the canal colonies, now, by the foresight of the Government and the genius of the irrigation engineer, golden cornfields, where formerly there had been barren wastes, he found his old Sikh comrades enjoying the new prosperity. He found the Sikh, as of old—cold, stolid, democratic—no, not democratic, rather theocratic, for he had a strong religious fervour. In the villages there he found no illusions. The Sikhs did not believe that their religion was in danger. They wanted to be let alone and not importuned to go on jathas, whether shahidi or druh.

But in the villages nearer the large towns a subtle change was discernible. There was a feeling against the Government. While the older men in the canal colonies had recalled the fact that it had been their British officers who had kept them up to the mark in religious matters when they were young recruits, the Sikhs in these other villages were filled with a vague fear that the Government was endangering their religion. He could not say why the negotiations broke down, as they were privileged. Let the Sikh Sardars, like the mover, step forward, show themselves men, and cease hiding behind the shadow of the Government. Let them lead their community to an appreciation of the truth. The Government were ready to accept any Gurdwara Bill that they liked to frame. Let them not give the world the impression that they were not capable of fulfilling their responsibilities as leaders of their community.

Sir DEVAPRASAD SARBADHIKARY enquired. Did the Commander-in-Chief mean that the Government would accept any Bill, whatever its nature. If so, an evil precedent would be created, affecting Madras and Bengal, where already certain people were taking the cue from the Akalis. Sir Devaprasad was firm in his contention that the law must be respected, and through the Courts alone should redress be sought. He urged the Government to take up again the question of legislating for the general purpose of improving the management of religious endowments.

Sir MAHOMED SHAFI said that Sir William Birdwood had not meant that the Government would accept any measure likely to injure the

interests of other communities or unsupported by the real leaders of the Sikhs. Sir Mahomed took the occasion to express his deep sympathy with the Sikhs, being as he was a Punjabi and a member of an agricultural community. When he left the Punjab 5 years ago there had been notable efforts made by the Sikhs to advance their social and educational progress. Where were those efforts to-day, thanks to the activities of the Parbandhak Committee? Sir Mahomed earnestly appealed to his Sikh brethren to endeavour to restore the old friendship with the Government, and he hoped that when he returned to his native Province next year, normal relations between the Sikhs and the Government would once more exist.

Sardar JOGENDRA SINGH, in reply, alluded to the sufferings undergone by the Sikhs. He described the incident at Rawalpindi where some Akalis threw themselves in front of a train and were killed. He also asked why had the Government not put the Gurdwara Act in force?

Mr CRERAR, in his reply said, simply because the Sikhs had not themselves made use of the Act. The Government had done their part in putting the measure on the statute book. Unless the Sikhs invoked its aid, it was useless and not through any supineness or inactivity on the part of the Government. Mr Crerar again expressed the opinion that the auspices were favourable to the mobilisation of reasonable moderate opinion, which should be encouraged to gather strength. He appealed to the Sardar to withdraw his motion in the light of the speeches made.

**The motion was thereupon withdrawn.**

### India's National Debt

Sir MANECKJEE DADABHOY moved that the Government should take steps to introduce suitable legislation at an early date to provide for an annual provision for reduction or avoidance of public debt. He pointed out that the present National Debt of India amounted to Rs 917 crores. Of this sum Rs 362 crores represented the Rupee Loans and Treasury Bills in the hands of the public. The Sterling debt of India was Rs 393 crores. The Unfunded debt of the country amounted to Rs 73 crores, added to which was the capital value of liabilities, making in all a total of Rs 90 crores. But these figures did not mean that India was not solvent. On the contrary, her National Debt largely represented productive debt such as that spent on irrigation and other projects.

India stood in an exceedingly favourable position in the matter of National debt as compared with other countries. But at the same time India should improve her position so that borrowings in future would be based on proper and satisfactory methods, and that they might also be cheaper. The total of India's non-recurring loan was Rs 197 crores. As regards Rupee loans floated in this country, the Government had made no provision for their redemption.

The situation required serious consideration, and fortunately at the helm of affairs there was Sir Basil Blackett with a good deal of experience in this matter. The Government of India had provided in the last Budget a sum of about Rs 5 crores for amortisation but there had not been a systematic or methodical policy behind it. The credit of any country was liable to internal and external shocks and it might be affected by famines or droughts. Payment and redemption of debt should be of a statutory character, otherwise there would not be any continuity of policy. The Government should make a definite announcement of their policy so that in future years they might not be put to the necessity of paying more than 5 per cent on any loan floated.

It was a great blunder that the Government floated a sterling loan last year at 7 per cent and allowed the Bombay Government to float a Development Loan at 6½ per cent. This Bombay Loan was ruinous to the Bombay Presidency because merchants withdrew their money from Joint Stock Companies and Banks and invested it in this Loan, with the result that there was no money left at a very critical time for carrying on trade. This combined with the

policy of Reverse Councils adopted at the time accounted for the ruination of Bombay industrial life. The money power of India must be properly mobilised.

*Further discussion on the resolution was adjourned till the 11th September*

On SEPTEMBER 11th Mr BELL of the Bengal Chamber of Commerce, was the first to resume the debate. He supported the resolution because the provision that had been made during recent years was of a haphazard character, and there was no methodical provision made for the redemption of the National Debt. The course recommended by Sir Maneckjee Dadabhoy was followed by every country which occupied a high position in the world of finance.

Dr DWARKANATH MITTER considered the time inopportune for legislation for the redemption of the Public Debt. It was hard to think of legislation to provide for a sinking fund when India was confronted year after year with deficit Budgets. The taxable capacity of the people had reached its limit and there should be no further taxation imposed while redeeming the National Debt. Let the financial equilibrium be restored and then they could think of providing for a Sinking Fund.

Sir ARTHUR FROOM, in supporting the resolution, made it clear that he did not want any legislation but only wanted an undertaking from the Finance Secretary that a definite system would be adopted and pursued by the Government in redemption of the National Debt.

Mr NATESAN opposed the resolution on the ground of prudence, and said that at a time when the question of the Provincial Contributions was unsettled, it was difficult to expect the redemption of debt to be taken up.

Mr Mc WATTERS, Finance Secretary, on behalf of the Government, made a long speech in which he made an interesting announcement. He said that the Government were in entire agreement with the mover on the main principle of the resolution, and they differed from him only as regards the method of carrying it out. He admitted that the system of reducing the debt had been up to this time purely a matter of chance while efforts had been made by England to redeem her Debt in several definite ways, including legislation. The finances of India had been in the hands of skilful and cautious Finance Members, and the result was that when war broke out the Government of India's unproductive debt had been practically extinguished, and the credit of India was extremely high and they were able to meet the cataclysm. Although now the Government of India proposed to treat the matter in a different fashion, it did not in any way reflect on the Finance Members of the past. The Government of India had been in communication with the Secretary of State even before the resolution was tabled and now a complete agreement had been reached between them. Some minor details still required to be settled, but a Government Resolution would be published shortly, in which a definite scheme of debt redemption to cover the next five years would be laid down. The basis of the scheme was the existing amount of capital obligations as they stood on the 31st March 1923. They had examined the whole question very carefully and were satisfied that for the redemption of debt a sum of four crores from the revenue would be sufficient. To that amount would be added each year, in respect of any new capital borrowings, one-eightieth of the face value of the amount borrowed. In addition the Government proposed that any approved surplus should go towards the reduction of debt. So the amount set aside from revenue would be a fixed figure based on the total amount of debt as audited by the Auditor General at the end of each year. It was entirely an illusion to suppose that a scheme for the redemption of debt would involve the country in new taxation. He, however, agreed with Dr Dwarkanath Mitter that there was no use in providing for a Sinking Fund so long as there was no surplus. He hoped they had passed the period of deficits. (Hear, hear)

In March they had anticipated a deficit of Rs 38 lakhs, irrespective of the wind-fall in connection with enemy ships, and now, far from there being a deficit he expected there would be a surplus over last year's figures. As for the prospects, he left it to the House to judge whether they were favourable or not this year. If the scheme announced were introduced and carried through the credit of India would rise very high.

Sir Dinshaw WACHA welcomed the announcement made by Mr Mc Watters. He said there would be more demands for improvement in sanitation and education and other nation building departments and the Government should find the money. These points should be kept in view so that there would be no fresh taxation.

Sir Devaprasad SARBADHIKARI wanted a guarantee that, while setting apart some money for a Sinking Fund, the present oppressive taxation would be reduced and the nation-building departments would not suffer in consequence.

Sir Maneckjee DADABHOY thanked the Government for their sympathetic reply and accepted the amendment. He affirmed that in bringing forward this resolution he had no idea that there should be any imposition of fresh taxation for the redemption of the National Debt.

**The resolution, as amended, was then carried**

### **Debate on Railway Management**

Sardar JOGENDRA SINGH moved that the Government should allow a private company to purchase the East Indian Railway or the Great Indian Peninsula Railway outright. He made it clear that his object in moving the resolution was two-fold, namely to declare that the Council was not opposed to the flow of foreign capital into India and that it was also not opposed to company management, if it was efficient. The need for encouraging private enterprise in India was greater than in the past. He was not afraid of capital coming from England and he was of opinion that the idea of shutting out foreign capital should be dropped. Sardar Jogendra Singh quoted from books to show that the trend of opinion in America was for company management and not for State management.

Sir Charles INNES, on behalf of Government, said that if Sardar Jogendra Singh wanted to get the Council to say that it was not opposed to the flow of foreign capital into India, then he ought to have moved a specific resolution to that effect, instead of approaching the question in the present manner. He was not prepared to admit that State management of railways was inefficient, or that there was much difference between State-managed lines and Company managed lines in India. But the Railways in India were stated to be governed by a bureaucratic body called the Railway Board. The danger he saw in State management was the danger that would arise when India became more and more democratised, and as a popular assembly exercised its influence and control in the management of the railways. It was no use saying that in India the popular assembly would not attempt to exercise its control, because the common experience in democratic countries gave the lie to that impression. When a popular assembly interfered with railway management, State management would become a failure. The popular tendency in democratic countries was to guard against this danger by separating railway finance, and as far as possible keeping the railways away from the influence of the popular assembly. It was in view of this danger that, when they were considering the question two years ago, they made strenuous efforts to try to devise a workable system by which they could get the benefits of real company management, and they prepared alternative schemes. One of them was practically a continuance of company management, but the Acworth Committee, the protagonist of company management, came down in favour of State management in India because they did not regard the existing management as anything more than an anæmic show of real company management.

The Government put forward their alternative, but there they failed. Therefore they took over under State management those two big railways, the Great Indian Peninsula and East Indian Railways, to enable them to carry out some very useful measures of grouping and to bring about a more efficient service, besides reducing their over-head charges. These were the factors which induced them to take over the State management of those two railways. At the same time, in view of the dangers already referred to by him, they were not anxious to close the door against company management. But they had not been able to carry out their arrangements about a regrouping of the railways because the

East Indian Railway would be taken over on the 1st January and the Great Indian Peninsula Railway on the 1st July next

Regarding the separation of Railway from general Finance, the Government had put forward their scheme and if their proposals were accepted many of the objections taken hitherto against State-management would be removed altogether, or at any rate they would diminish. The acceptance of their proposals would enable the Government to place railway finance on a more elastic basis, and the objection that the railways were now bound down by red tape would be gone. In these circumstances the Government had taken no action in exploring the possibility of handing over the two railways to a private company and could not do so.

In view of this explanation, Sardar Jogendia Singh then withdrew this resolution.

### Debate on the Lee Report

The Council met again on the 15th SEPTEMBER to discuss the Lee Report. Mr Cierar, Home Secretary, moved the resolution which was identical with the motion of Sir Alexander Muddiman in the Assembly.

Mr. CRERAR'S presentation of the Government's case was necessarily reminiscent of the Home Member's speech in the Assembly. In setting out to "promote a sober and laborious enquiry into truth" the Lee Commission had, in the opinion of the Home Secretary, done its work well. He laid special stress on the importance of the issues involved, affecting as they did an administration unique in its complexity, diversity and the burden which it bore. It was essential at a crucial time, when the form of Government might be changed, that contented, efficient, incorruptible Services should be bequeathed to the new Government by its predecessor and that those Services should be safeguarded from political influences, which had been so baneful in other countries.

Mr Cierar in alluding to the plea for the temporary stoppage of European recruitment reminded the Council that the traditional connection of the English Universities with India had been valuable to England, but even more so to India. If they cut at the root of that connection it could not be revived. In insisting on the whole-hearted acceptance which the Services had given to the Reforms, the Home Secretary singled out one—the Indian Police Service—for special praise, as that body of officers had worked loyally in spite of much obloquy and attacks, and in doing so had often been exposed to personal danger. The moderate relief which the Commission proposed for that Service was equitable.

He made no emotional appeal. He wanted reason to prevail, and the serious sincere statesmanship of the Council to be devoted to the consideration of the need for giving relief to the Services, for ensuring a supply of recruits, and for re-organising the Services in conformity with the new conditions. "Magnanimity in politics," he concluded, "is not seldom the truest wisdom."

Sir DEVAPRASAD SARBADHIKARI took the line that the Reforms Inquiry Committee had shown that there was tension between the Services and the Ministers, and it was therefore right to wait before dealing with the Lee proposals. He was glad that Mr Crerar had avoided the bland bravado and the pitiless pleasantry exhibited last week in the other House. He moved that it be represented to the Secretary of State that pending enquiries about the reforms and action that may be taken thereon it was not desirable to give effect to the Lee recommendations. Sir Devaprasad believed that India would be able to obtain Englishmen ready to serve in a missionary spirit without regard for sordid considerations. As for the domestic budgets presented by the Service Association, they were dismissed with the comment that the speaker would also like to see the budgets of those who had to find the money.

Mr KARANDIKAR devoted considerable time on the surprising acquiescence of the Indian Commissioners in the recommendations. He was severe on Mr Samarth for joining the Commission at all, when Su Chumanlal Setalvad was unable to undertake the task.



He had given notice of an amendment for the appointment of a Committee of the Central Legislature to review the Service question and report by the end of the year, and that until such report was considered by the Central Legislature, no action affecting the finances of India be taken on the Lee Report. He did not move his amendment but supported that of Sir Devaprasad in the hope that if the latter's amendment was not carried then he would press his own and get it carried.

India, he said, was not for the Services but the Services for India, the Services were well paid, the Indian Civil Service the best paid in the world the Lee Commission had entirely ignored the financial aspect of their proposals the Government of India had ignored the views of the Ministers in the Local Governments they had destroyed the principle of inter-dependence by setting aside the scheme for medical re-organisation, and they had, with the Lee Commission, overlooked the doctrine of reciprocity, for there was no attempt to exclude from the benefits proposed those colonials who passed through the door of the Indian Civil Service to rule India, return to their homes laden with wealth, and then refuse to Indians in their respective Dominions the rights of British subjects. Mr Karandikar considered that the real problem was the reduction of the pay of the Services and not its improvement.

Sir MAHOMED SHAFI then followed with a powerful defence of the Government. He deftly turned the tables on Sir Devaprasad Sarbadhikari by accusing that member of delaying the progress of India along the constitutional road. Sir Mahomed declared himself to be as ardent an advocate of Indianisation and self-government as anyone. In his official capacity he hinted he had been able to render humble service to India in that direction. The Council had been asked to assist the Secretary of State to come to a decision, a speedy decision on the important proposals of the Lee Commission, and now Sir Devaprasad was pleading for "delay, delay" and in effect would have India's case go by default.

What had been the popular demand made by Indian politicians of all shades of opinion for many years? Why, for Indianisation of the Services. What had been the criticism levelled by them against the present Reforms scheme? Why, that the Ministers had no control of the Services working in the Transferred field. Now the Government proposed to adopt a wide measure of Indianisation and to give the Ministers the power of appointment and control, and Sir Devaprasad—here the Law Member dramatically shot out his aim in reproachful protest at the Bengal member, who sat with a puzzled smile on his face—was rejecting that proposal. There was no fear that Indian "unity" would be affected by provincialisation, for even now Indians in the all-India Services asked to be posted to their provinces, and yet there would be nothing to prevent Madras, say, from sending for experts from Bengal and the Punjab.

Sir ARTHUR FROMM congratulated the Council on being able to revise the decision of the other place. That was why he disagreed with the view that in discussing the matter after the Assembly debate the Council was put in a position detracting from the value of its opinions. He strongly supported the Government's proposals. He wished the Lee Commission had seen their way to make the pension of officers free of income-tax, and there he put in his plea for Governors and Executive Councillors. The Indianisation proposed was as rapid as could be adopted with due regard to the safe administration of the country. It certainly was not slow. Paying a tribute to the co-operation between Indians and Europeans in business in Bombay, Sir Arthur considered that the same combination in the Services should be successfully obtained. But the British standards of efficiency and integrity, welcomed and adopted by the Indian official, must be maintained. It emanated from the British and therefore a retention of that element in the Services for many years to come was essential. They must have the picked men that they had had in the past. Unless the conditions of the Services were improved, such recruits would not be obtainable. Sir Arthur concluded with a strong condemnation of the two members who, in his view, were attempting ungenerously to use the redress of Service grievances as a lever to get a further constitutional advance. The case of the Services should be regarded as apart from the constitutional issue.

Mr NATESAN wanted to abolish all covenants and man the Services by

men paid at the market rate. The Council should not support costly proposals when, as the Financial Secretary admitted, the state of India's finances was not sound. Mr Natesan considered that the Lee proposals, if adopted, would send the country to the dogs and he was vehemently opposed to any course threatening such a disaster.

Sir William BIRDWOOD refuted the Assembly speeches comparing the "wretched and miserable state of India at the present day" with her state before the British came. Were the authors of such statements dreaming? Sir William, in his mind's eye, could see the Afghan and Mongol hordes sweeping down from the Frontier leaving behind them devastated cities. He could see Nadir Shah marching to the sack of Delhi, the armies of the Mahrattas, followed by swarms of Pindaris laying India waste. Then there were gaunt spectres of famine and disease stalking through the land, with no hand held out to stay their ravages. Let the Council see, in the Deccan, and elsewhere, numberless ruined cities deserted because they had either been destroyed in war or depopulated by pestilence. Then what was the picture of India to-day, covered with a network of railways, canals, roads, telegraphs? Her inhabitants were able to sow their crops, being certain that they could reap without molestation, traders prospered, justice was obtainable, education established, hospitals created, and famines, as far as human wisdom could devise, minimised.

That was the result of the labours of the great Services whose loyalty, efficiency and devotion was unsurpassed in the whole world. Many an officer had Sir William seen working through the hot weather right outside the public view for the good of those whose destinies were in his hands, working through cholera and plague epidemics, preventing communal disturbances or minimising them at the risk of his life sometimes. The Services, he liked to think, were not so much the 'steel frame,' but the cement which bound India together, consolidating Pathans, Punjabis, Sikhs, Rajputs and Bengalis into a solid union, holding a conglomeration of races together. The officers of the Services were loyally working for the constitutional advancement of India and at the same time there were still many Indians who clung to the "ma bap" system and the withdrawal of that system from many a village community would be a great betrayal on the part of the British.

Sir MANECKJI DABABHOY wanted to expose the camouflage of the advocates of temporary stoppage of recruitment in England. He scornfully asked: What did such proposals amount to? Why nothing more than the permanent stoppage of recruitment and therefore the ultimate elimination of the British officer. And could India to-day, torn by communal dissensions, view such a proposal with equanimity? Besides, Sir Devaprasad Sarbadhikari was putting forward an unworkable scheme. All kinds of shifts would have to be brought into play to make it appear feasible and they would only create trouble and discontent. As for Mr Khaparde, who had proposed further measures of provincialisation, Sir Maneckji was surprised. Turning gravely to Mr Khaparde, Sir Maneckji said that he trusted that he, Mr Khaparde, would see the propriety of withdrawing his amendment for the sake of the Council's reputation. Mr Khaparde, amid much merriment, said he did not see the propriety pointed out to him.

Sardar JOGENDRA SINGH also condemned the notion of stopping recruitment and Sir Umar Hayat Khan commented on the demand for the removal of the British officer as indicating that its authors were like the elephant—they had one set of teeth for show and another for eating purposes. Sir Rampal Singh maintained that the existing situation showed that the minimum of 50 per cent British officers should be maintained for many years to come.

Mr NATESAN, fiery and spirited, came to the rescue of Sir Devaprasad Sarbadhikari. He was confident that the British Cabinet and the Government of India would before long be pushing India forward on another Constitutional advance; they would make radical changes, so it was clearly unfair at such a time of uncertainty to bring out more British recruits. Moreover, the standard of living set by the existing members of the Indian Civil Service was injurious to the

financial stability of the newly joined officer. The Council had no right to subject these young men to such an atmosphere.

Mr THOMPSON declared that the issues were perfectly clear. Provincialisation could be effected by the delegation of powers, but applying the same logic as that which inspired the demand for the transfer of the control of the Services working in the Transferred fields to the Ministers, it was obvious that the Secretary of State must retain the control of the Services working in the Reserved field in order to be able to discharge his duty to Parliament.

Regarding the suggestion that there was discrimination against officers of the All-India Services in the Government's adoption of the Lee proposals, Mr Thompson said that all those officers would have the remittance privileges if their wives were in England. They also still drew the overseas allowance if they drew it before, and the passage concession was extended to Indian officers of the Indian Civil Services recruited by the Secretary of State and receiving overseas allowance.

The Council was reminded that an Indian member of the Secretary of State's Council draws 50 per cent more than his English colleague, because the former is serving out of his own country. Turning to the question of the stoppage of recruitment in England, Mr Thompson remarked that it was evident that once recruitment was stopped, a tradition had been breached, and it would be very difficult to recreate it on advantageous terms. Who would join a Club that had once closed its doors? ("For spring cleaning," interjected Sir Devaprasad.) The stoppage proposed, retorted Mr Thompson with a smile, was far more than spring cleaning. It might be possible to obtain technical experts by casual recruitment, but for the administrative Services they would only be able to get the "wastage of England", and that India did not want. There was another point. The Government of India and the Central Legislature would be at the mercy of provincial standards in obtaining men for their Secretariat and Mr Thompson thought that on the efficiency of the Secretariat the convenience of the Legislature in some degree rested.

And was the idea of reducing the British element as indicated at all feasible? Sir Devaprasad had not suggested that any inducement should be offered to facilitate premature retirements. Allowing for the usual casualties, in ten years' time 43 per cent of the Indian Civil Service would still be British. So, Mr Thompson hinted to Sir Devaprasad, amid laughter, that if the desired reduction were to be obtained he would have to stimulate other causes of the disappearance of British officers to the extent of 24 per annum. The percentage of the British element required to keep an efficient administration was largely a matter of opinion. But when it came to the question of the entire stoppage of recruitment in England, there were certain considerations to be taken into account. It was a subject on which one could strike sparks, but he intended none. Did India need the British officer? He believed she did and it was a need based on facts, deep-seated in human nature. It was largely the effect of climate on civilisation. More, it was a question of effecting an insurance simply and solely for the advantage of India.

England and France, separated by a sea hardly as broad as some Indian rivers in flood time, produced different characters, and he had known Indians comment on those differences not always to the advantage of the British. Yet the British stood in India where the French had failed. He believed that there was hardly any man in that Council who did not believe that India wanted, and would want, British soldiers and British administrators. It was not difficult to explain. Look at the map: the long coast line, exposed ports and sea-borne trade, the difficult land frontier always a danger. Then within India's borders the daily telegram did not let us forget the dissensions arising from communal prejudices. These differences, he considered, stood out as the nemesis of religion profaned. They arose from attempts to stir up religious zeal, not for good but for evil, to rouse up hatred recoiling on the heads of its authors.

Indians were even now trying to establish Hindu-Moslem unity. He wished them God-speed in their task, but let them remember that they would succeed.

only if they taught that religion led not to pomp and power, but with a single eye and single aim to a grand tolerance

At this time British assistance was more needed than ever. Perhaps in 1929, when the Constitutional position would be reviewed, the outlook might be brighter. But whether the Government of India adopted the Lee proposals or not, the decision in regard to the recruitment of the British officer rested not with them or with the Secretary of State. It rested with the youth of England. Would those young men abandon their present reluctance to seek an Indian career? Perhaps it might be that Sir Devaprasad Sarbadhikari, although defeated to-day, would eventually have the satisfaction of finding that destiny was on his side. (Sir Devaprasad swiftly retorted that he wanted no such satisfaction.) Mr Thompson noted that denial and suggested that, if that day came, the thought would come to Sir Devaprasad Sarbadhikari, not as a healing balm, but as wormwood and gall. The speaker stood looking gravely across the floor at the Bengal Member, and then sat down, the Council loudly applauding a most impressively delivered speech and one charged with deep feeling.

After lunch, the Financial Secretary admuably explained the financial aspect of the proposals and their justification on the basis of the changed economic conditions.

The amendment brought forward to express the fears of Mahomedans for the future of their community under Indianisation was swept away after a number of speeches, the most notable of which was one from Sardar Jogendia Singh, who urged that Sir Umar Hayat Khan should advise his community to win their way by their merits as they had done when they conquered India. The idea was quite pleasing to Sir Umar and as he gazed reflectively on the Bombay and Bengal benches he seemed to nod as if to be considering whether there was not something in it. Later when he supported the Government's motion, his racy speech had in it some appreciative references to broken heads, which seemed significant.

Of the remaining speeches, the most notable were one supporting the Government's motion by Dr Dwarkanath Mitter, who urged that the adoption of the proposals should be accompanied by no increase in taxation, and a very plain statement from Mr J W A Bell, who considered the Lee recommendations lacking in generosity and unlikely to achieve the object for which the Commission was appointed. He felt too that the measures of Indianisation proposed went right up to, if not beyond the limit of safety, and he repeated Colonel Crawford's appeal in the other House for the Government to make it clear that the small but important Anglo-Indian and Domiciled communities were not shut out of the benefits of Indianisation. Mr Crerar gave the necessary assurance, and the Council adopted the Government's resolution without amendment and without a division.

### *NON-OFFICIAL RESOLUTIONS—16 SEPTEMBER*

Non-official resolutions were discussed on this day in the Council of State, but before the proceedings commenced touching references were made to the death of Mr Bhupendia Nath Basu.

#### **MADRAS FLOOD RELIEF**

Mr NATESAN moved a resolution recommending that a sum of one crore of rupees be contributed by the Government of India as a free grant from the Central Revenues to assist in meeting the extraordinary expenditure that must inevitably be incurred by the Government of Madras in affording relief to those who had suffered from the floods which occurred in the southern and western portions of the Madras Presidency in the month of July last, and in repairing the extensive damage that had been caused throughout a considerable portion of the Presidency.

Replying to Sir Maneckji Dadabhoy, the Education Member said that the Madras Government wanted a loan of Rs. 35 lakhs and an advance of Rs. 20 lakhs for this purpose.

Mr Natesan withdrew his resolution in view of the fact that the Madras Government was in communication with the Government of India as regards the form and extent of relief

#### HAJ PILGRIMS' DIFFICULTIES

Khan Bahadur Ebrahim HAROON JAFFER had given notice of a motion recommending the appointment of a Committee of officials and non-officials to consider the grievances of Haj pilgrims and to suggest remedies, but he did not move it, as he had been assured by Sir Narasimha Sarma that he would immediately go into the grievances of the pilgrims and also try to visit Bombay with a view to remove the difficulties found there

#### Taxation Inquiry Personal

Sardar JOGENDRA SINGH next moved that a representative of producers be appointed on the proposed Committee which was to inquire regarding taxation. He complained that the personnel was not satisfactory and urged that in an enquiry like this only those who were affected by taxation should sit in judgment. He expressed his misgivings that the Committee, constituted as it was, would not arrive at right conclusions on the question of land revenue. The bulk of the people were agriculturists and then interests should not be neglected.

Mr McWATTERS, Finance Secretary, opposed the resolution. He said that the Committee was decided on after very careful consultation with the Local Governments, and the terms of reference proved difficult to be settled in view of the very divergent interests concerned, but those terms of reference had not been challenged by Sardar Jogendra Singh. The terms of reference were strictly limited. An extension of the enquiry into the land revenue system and land revenue policy might lead to its being carried on for two or three years and would require the representation on it of those who represented land revenue interests in more than one province. That would mean there would be an additional four or five members. Such a representation would only find place on a wider economic inquiry such as the one suggested by Mr Sethna in the Delhi Session.

The Government did not want this Committee to be widely extended in number, nor to undertake an inquiry which might be indefinitely prolonged. Moreover, it must not be forgotten that there were interests other than agricultural. For example there were commercial people who contributed a good deal to the revenue of the Government.

Proceeding Mr McWatters pointed out that the personnel of the Committee had been carefully selected and the President and several members had personal contact with all the taxation problems arising specially out of the introduction of the Reforms.

Sir UMAR HAYAT KHAN led the opposition to the Government's attitude. He complained in bitter tones of the neglect which Government showed towards questions affecting the zemindars and agriculturists. He was disappointed at the attitude of the Government. He knew the moneyed classes would not help the agriculturists who formed the backbone of India. Only God could help them, and in despair he asked Sardar Jogendra Singh to withdraw the resolution.

Then followed a series of speeches from all side of the non-official House, both European and Indian, in support of the resolution and with appeals to the Government to remedy the injustice done to agriculturists.

Sir Zulfiqar Ali Khan emphasised that the case of the agriculturists should be heard. Mr Khaparde said that if the Government wanted to create happiness among the people by an inquiry into their condition then the majority should not be ignored. Mr Yamin Khan said that it was the consumers, the agriculturists, who contributed to the wealth of the commercialists, and so their interests should not be forsaken. Raja Rampal Singh added another note of despair and said that none on the Committee knew where the shoe pinched.

Sir Mahomed Shafi said that the interests of the agriculturists were safe in

the hands of Dr Hyder Dr Dwarkanath Mitter suggested that a representative be appointed from the agriculturist classes as a co-opted member Sir Arthur Froom and Mr Bell gave further support to the resolution Mr McWatters thereupon withdrew the Government opposition to the resolution amidst cheers

Sir Dinshaw Wacha suggested that a co-opted member be appointed in each province from the agriculturist classes as the Committee went round the country

Sir Mahomed Shafi said that the Government would consider the question whether there should be one member added to the Committee to represent the agriculturist classes, or that a representative of the agriculturists be co-opted with the Committee in each province Sardar Jogendra Singh thanked the Government for finally accepting the resolution The resolution was then carried unanimously and the Council adjourned

### OFFICIAL BUSINESS—18 SEPTEMBER

Three official Bills as passed by the Legislative Assembly, and one non-official Bill (Sir Arthur Froom's) were dealt with on this day in the course of a two-hours' sitting

The Council raised no objection to the passage of the Post Office Act (Amendment) Bill and the Imperial Bank Act (Amendment) Bill, which were explained by Mr Ley, the Industries Secretary, and Mr McWatters, Finance Secretary

Sir Dinshaw Wacha welcomed the latter measure and thought it would inspire confidence among the mercantile community

### INDIAN SUCCESSION LAW

Sir ARTHUR FROOM introduced his Bill to amend Section 27 of the Indian Succession Act, 1865, providing more liberally for the surviving widow or husband, where there are no lineal descendants in case of intestacy In explaining his Bill Sir Arthur Froom said that it had relation only to Europeans and Anglo-Indians in this country When the Indian Succession Act was passed in the year 1865, under the English law as it then existed, a widow in case of intestacy of her husband, where there were no lineal descendants, took one-half of his property if there were kindred This was the rule contained in Section 27 of the Indian Succession Act, 1865 By the Intestates Estates Act 1890, the law was altered, and the whole estate went to the widow, if it did not exceed in value £500 and the intestate left no lineal descendants Furthermore, in any case where there were no lineal descendants on such an intestacy, even if the property exceeded £500 in value, the widow was given a charge on the whole property up to £500

After the House had agreed to the first reading Sir Arthur Froom moved that the Bill be referred to a Joint Committee of both the Council and Assembly consisting of 12 members This was also agreed to, and the Council adjourned

### NON-OFFICIAL RESOLUTIONS—22 SEPTEMBER

Sardar JOGENDRA SINGH moved for the appointment as early as possible of at least one competent Indian to the Railway Board, in view of the wide range of railway activities The mover's speech was short He emphasised the commercial aspect of the railways and pointed out that as in the matter of finance, so in the matter of railways, the need of well-informed Indians was necessary in the councils of the Railway Board An Indian would be of great service in representing the Indian view-point in all respects It was only by the association of Indians in the Railway Board that the railways could be run more efficiently and more economically He appealed to Englishmen to have full faith in Indians and not become despondent at the Indianisation proposals

Mr CORBETT, Commerce Secretary, said that the policy of the Government was to Indianise the Railway Services, and he reaffirmed their acceptance of the Lee Commission's recommendation that recruitment should be 75 per cent

Indians and 25 per cent Europeans. Indeed the process was already in operation because in the traffic and engineering branches together, against 38 statutory natives only nine Europeans were appointed during the last three years. As regards the appointment of Indians on the Railway Board, it was impossible for the Government to undertake that within any particular time. The Government could employ Indians only if they were the best suitable for the position, because the Railway Board must consist of men with long technical experience in railways, and naturally it would take some time before they could get an Indian with the requisite qualifications. No extraneous reasons could prevail in the matter. Last Saturday a more or less similar proposition was made in the Assembly, and the Government then did not oppose it. In regard to the present resolution also the Government would not raise any opposition.

Mr Bell appealed to Sardar Jogendra Singh not to embarrass the Government by bringing up a question which should be postponed for some years, by which time he hoped an Indian would have been appointed.

Mr Natesan said that Mr Bell's arguments only reminded him of the cry raised several years ago against the appointment of Indians on the Executive Council. When Indians could successfully manage the Mysore Railways in all branches, including technical, he saw no reason why they should not be appointed, on the Railway Board.

Moulvi Abdul Karim said that such men as Messrs S C Ghose and Ali Akbar and others had sufficient technical knowledge for appointment to the Railway Board. As for administrative qualifications, he thought Sir Ibrahim Rahimtullah and Sir Purshotamdas Thakurdas possessed them.

After further discussion the resolution was passed.

Next day, 23rd September, the Council sat for only an hour, after which the session was prorogued by order of the Governor-General, read out by the President. During this short sitting an interesting question by Sir Devapiasand, re South African Indians and their repatriation, elicited the usual laconic reply from Government that the matter was being considered. The Land Customs Bill, as passed by the Legislative Assembly, was next considered and passed without much discussion.

Business of the House was then concluded and before rising members made felicitous speeches bidding fare-well to the retiring Law Member, Sir M M Shah, who in reply duly expressed his gratitude and bade fare-well.

The Council was then prorogued.

Nationalistic Movement  
The Congress & the Swarajists  
July-Dec. 1924



## M. Gandhi & the Swarajists

The trend of events in the nationalist movement in 1924 has been towards a steady consolidation of parties under the lead of Mahatma Gandhi. The year opened with the old squabble between the Swarajists and No-changers but towards the end Gandhi not only secured the fusion of the two parties but also set in motion an organisation for the fusion of all parties in the country. The famous Ahmedabad meeting of the All-India Congress Committee in June 1924, full details of which have been given in the last issue of the Register (Vol I p 607 *et sequel*), marks a turning point in the history of the Congress. There the Mahatma came to conquer but left in tears "defeated and humbled" (see *ibid*, p 625) He had found, on his release from prison, that the practice of paying lip-homage to non-co-operation, while internally believing in its opposite, had grown to tragic dimensions, and that the constructive programme, and especially hand-spinning, which was to his mind its most cardinal feature, had become a by-word for cant and hypocrisy. To a man of the Mahatma's sensibility this atmosphere of unreality became altogether intolerable and he insisted that either the governing policy of the Congress should be altered, or if it remained unchanged, at least the members of the Congress executive should be required, subject to the penalty of relinquishing their office, to carry out in their own persons the Congress policy in all its details. As in all his actions, the high ideals of the Mahatma make him incapable of seeing realities at first and when disillusionment comes he is ready to make the fullest amends. He calls the Government Satanic, and then deplores of satanism in his own ranks. He believes in the non-violence of the masses, and ends in confessing his himalayan errors. So, before Ahmedabad he used all sorts of epithets against the Swarajists, but after his defeat he backed them up with all his strength. Before Ahmedabad he was out to turn out the Swarajists from the Congress, or himself to leave it to form a separate organisation of his own, but at Belgaum at the close of the year he made the Swarajists the accredited agents of the Congress to treat with the Government. At Ahmedabad he was for upholding the five boycotts but at Belgaum he gave up all boycotts, and suspended his Non-co-operation altogether<sup>1</sup>.

To recapitulate the main decisions at Ahmedabad in June 1924 the three main propositions that Gandhi made and the amended resolutions as finally passed are set forth below side by side for comparison —

### *Original motion of Gandhi*

1 In view of the fact that the members of Congress organisations throughout the country have themselves hitherto neglected handspinning in spite of the fact that the spinning wheel and its product—handspun Khaddar—have been regarded as indispensable for the establishment of Swarajya and although their acceptance has been regarded by the Congress as a necessary preliminary to civil disobedience, the A. I.

### *Resolutions as passed*

1 In view of the fact that the members of Congress organisations throughout the country have themselves hitherto neglected handspinning in spite of the fact that the spinning wheel and its product—handspun Khaddar, have been regarded as indispensable for the establishment of Swarajya and although their acceptance has been regarded by the Congress as a necessary preliminary to civil disobedience, the A. I. C.

C. C. resolves that all the members of the various representative Congress organisations shall, except when disabled by sickness or prevented by continuous travelling, regularly spin for at least half an hour every day and shall send to the Secretary of the All-India Khadi Board at least ten tolas each of even and well-twisted yarn of a count not below ten, so as to reach him not later than the 15th day of August, 1924, and thereafter in regular monthly succession. Any member failing to send the prescribed quantity by the prescribed date shall be deemed to have vacated his office and such vacancy shall be filled in the usual manner, provided that the member vacating in the manner aforesaid shall not be eligible for re-election before the next general election for the members of the several organisations

C resolves that the members of all elected Congress organisations shall, except when disabled by sickness or prevented by continuous travelling or other similar cause, regularly spin for at least half an hour every day and shall each send to the Secretary of the All-India Khadi Board or to any person appointed by him in this behalf at least 2,000 yards of even and well twisted yarn of their own spinnings so as to reach him not later than the 15th day of August, 1924, and thereafter in regular monthly succession. Any member failing to send the prescribed quantity by the prescribed date shall, unless unavoidably prevented, be deemed to have vacated his office and such vacancy shall be filled in the usual manner, provided that the member vacating in the manner aforesaid shall not be eligible for re-election before the next general election for the members of the several organisations

*Penalty lifted*

In view of the fact that certain members, whilst the proceedings of the Committee were going on, deemed it necessary to withdraw from the Committee, by reason of their resentment of the Penalty Clause in the obligatory spinning resolution, and in view of the fact that the Penalty Clause of the resolution was carried only by 67 against 37 votes and further in view of the fact that the said Penalty Clause would have been defeated if the votes of the withdrawals had been given against, this Committee considers it proper and advisable to remove the Penalty Clause from the resolution and to reaffirm the said resolution without the said Penalty Clause

**Defaulters**

2 Inasmuch as complaints have been received that provincial secretaries and other members of Congress organisations do not carry out the instructions issued to them from time to time by officers duly authorised thereto, the A I C C hereby resolves that those in charge of matters referred to them failing to comply with the instructions of officers thereto appointed shall be deemed to have vacated their offices and the vacancy shall be filled in the usual manner, provided that the member thus vacating shall not be eligible for re election till the next general election

**Defaulters**

II Inasmuch as it has been brought to the notice of the Committee that instructions issued from time to time by officers and organisations duly authorised thereto have sometimes not been carried out properly, it is resolved that such disciplinary action, including dismissal, as may be deemed advisable by respective Executive Committees of the P C C's of the provinces in which the failure has occurred, shall be taken against the persons about whom complaint may be made and in the cases complaints by or on behalf of the central organisation such disciplinary action as may be taken by the Provincial Executive Committee shall be reported to the complaining organisation. In the case of default by the whole organisation the disciplinary action shall be taken by the superior organisation.

**Mandate to Representatives**

3 In the opinion of the A I C C it is desirable that the Congress electors elect

**Requests to Representatives**

III, The A I C C draws the attention of the Congress voters to the five boycotts

to various offices in the Congress organisations only those who in their persons carry out to the full the Congress creed and the various Non-co-operation resolutions of the Congress including the five boycotts, namely, of all mill-spun cloth, Government law-courts, schools, titles and legislative bodies, and the A I C C hereby resolves that the members who do not believe in and do not in their own persons carry out the said boycotts shall vacate their seats and that there should be fresh elections in respect of such seats, provided that if the members vacating so choose they may offer themselves for re elections

viz., of all foreign cloth, Government law-courts, educational institutions, titles and legislative bodies except in so far as the boycott of legislative bodies may be affected by the Coconada resolution and the propaganda for the exclusive use of Khaddar are still part of the Congress programme, and therefore considers it desirable that those Congress voters who believe in the Congress programme do not elect to the various organisations subordinate to the Congress those who do not believe in the principle of and carry out in their own persons the said five boycotts except where affected by the said Coconada resolution and do not exclusively use hand-spun Khaddar and the A. I. C. C. therefore requests such persons who are now members of Congress elective organisations to resign their places

The whole tenor of the resolutions was thus changed. And by the middle of July Mahatma Gandhi's views changed too. For while only a few days before he was denouncing the Swarajist method as "cultivating British opinion and looking to the British Parliament for Swaiaj," he now remarked as follows

There is no doubt that the Swarajists have created a stir in the Government circles. There is no doubt too that any withdrawal at the present moment will be misunderstood as a rout and a weakness. As a matter of fact, so far as the A I C C. is concerned, the Swarajist's position has been never so strong as it is now. They are entitled to claim a moral victory. Believing as they do in giving battle to the Government in the Assembly and the Councils, they have no reason whatsoever for withdrawing from the Legislative bodies at the present moment. Their withdrawal at this juncture can only add to the present depression in the country and strengthen the hands of a Government which wants to give nothing to justice and which yields gracelessly and reluctantly to pressure."

The success of the Swarajists at Ahmedabad was naturally very disappointing to the Anglo-Indian press and to the official world who had looked forward to an isolation of the Swarajists. In Bengal the anti-Swarajist campaign was led by the Governor himself. In season and out His Excellency lost no turn to hold up Mr. Das and his party as arch-enemies of the country—red revolutionists who were destroying the Councils, carrying on a "colossal hoax" at Tarakeswar, and making Government impossible. In this pursuit however his lordship for once excelled his fellow-countrymen. While it is common for Englishmen to insult Indians, high or low, in every walk of life, Lord Lytton once went to the length of traducing the whole womanhood of India. With rage against the Swarajists tearing his heart, he said at a police parade at Dacca on August 5th —

"The thing that has distressed me more than anything else since I came to India is to find that *mere hatred of authority* (meaning the Swarajists) *can drive Indian men to induce Indian women to invent offences against their own honour merely to bring discredit upon Indian policemen*"!!!

### All-India Swarajya Party Conference

His Excellency's performances however only served to increase the popularity of the Swarajists. And when on August 16 the All-India Swarajya Party met in Calcutta with Mr. C. R. Das in the chair the enthusiasm that was demonstrated in favour of the Swarajists was phenomenal.

### Mr. C. R. Das's Address.

Mr C R DAS in opening the proceedings of the Swarajya Conference made a reference to the programme of the Swarajya party and said that he would need hardly tell them that the object of the Swarajya party was to secure Swarajya directly. He said that all kinds of questions were raised upon that. It was asked what was the kind of Swaraj that they were striving for and some of his friends were so anxious for details of the Swaraj that they in their attempt to define it lost sight of the real principles upon which the whole of this fight was based. That was that they did not want any particular system of government, they wanted to establish their own system of government (Hear hear). That was the central idea of Swaraj. Swaraj was not to be confused with any particular system of government. Systems of government came and went. One system of government was established one day only to be broken another day and another system was re-established upon the ashes of the old system. What they wanted was a clear declaration by the people of the country that they had got the right to establish their own system of government according to the temper and genius of the people and they wanted that right to be recognised by their alien rulers.

#### Within or without the Empire ?

It was often asked whether it would be a Swaraj within the Empire or without. He wanted his liberty and freedom. He wanted the right to establish his own system of government. If that was consistent with their being within the Empire, he had no objection to being in the Empire. If that was inconsistent with their being within the Empire, his love for freedom was greater than his love for the Empire. Therefore, they should not try to fathom what was going to happen in future. Let them rest content with the struggles of to-day. Let the struggle be continued on the right principle and that was that they must have the right to govern themselves. They must be the judges of what system of government was good for them and what system of government would not suit them. It was not for others to constitute themselves as their judges.

The next question was how they could secure that Swaraj. He had put forward from different platforms his views of Non-co operation. He had been told that that was not the correct view. They must not fight about words. Whatever Non co-operation meant to other people he did not know, but he knew what it meant to him and in the light of his understanding of the word he would maintain it. The only possible method of fighting this Government and winning Swaraj was by applying Non co operation everywhere.

#### Resistance to the System

Proceeding Mr Das said that their idea was to create an atmosphere of resistance in the people of this country to the bureaucratic system of government. If they had a desire to put an end to this system of bureaucratic government, they must create a spirit of resistance. That was not wrong, that was not artificial, that was the natural outcome of a healthy life. They must stand for themselves and they must stand for the destruction of the bureaucratic institutions. After they had developed and gathered their strength to resist, their next duty was to tell the Government "This is my demand, this is my right to life, this is my right to govern myself, my right to establish such a government which is consistent with the genius of our people and that unless you are prepared to recognise that right which is undoubtedly in the people of the country, whether they realise it today or to-morrow or years after, we must go on resisting." I don't want the Government to confer that right upon me. Who can confer a right on a living nation? It is for the nation to take that right, to seize that right, and to compel the Government to recognise what they have already seized and that seizure is only possible by realisation. We must tell the Government that this is our undoubted right and unless that right is recognised it would be our duty to gradually withdraw all co-operation from them with a view that it may become impossible for them to carry on this system of Government, not that no Government should be carried on, but this particular system of Government which exist not for the good of the people, but for the good of somebody else. These are the two broad principles upon which the programme must be arranged.

Then all kinds of questions were raised about the method. What was their method? Was it non-co-operation or responsive co-operation or responsive non-co-operation? He wanted to put his programme absolutely clear. He wanted not to

shrink from destroying any system which stood against their interests. They would not shrink from telling the Government that unless and until they recognised their ultimate rights, they were out to destroy the system of Government, because they could not build their system without destroying theirs. Not that there was a particular pleasure in destroying, but they could not build unless they removed something that stood in their way.

#### Application to Facts

If these two principles were recognised, they would have to be applied to existing facts of the day. What were those facts? They had got legislative bodies in different provinces. They had got the Legislative Assembly. They had applied this programme thoroughly in the Central Provinces and there was a deadlock there. They had applied these principles if not thoroughly, but largely in Bengal, and he would predict that there would be deadlock here also. In the Assembly they had created a deadlock as far as possible under the constitution. Directly he used the word constitution, another group of questions were put to him. It was asked whether it was a constitutional agitation that they were carrying on. There again they were under the tyranny of phrases. It was constitutional warfare in the legislative bodies, if by constitution was meant the right which they had got under the Reforms Act. But the fact remained that the people of this country refused to recognise the Reforms Act. From that point of view, it was not constitutional, but from the point of view of the Reforms Act, it was constitutional. Supposing there was a deadlock, supposing in Bengal they threw out the Ministers' salary again, what then? It was difficult to answer that question unless they knew what the Government would do. If the Government took one course, they would adopt a particular method. It might be said that they were shifting their grounds, his answer was that they were not. They applied those principles to the needs of the hour and must renew the same tactics over and over again till they brought the Government down. If they succeeded, what would happen? The Government probably would take up the transferred departments. He would ask those who thought like that to read what was coming out before the Reform Enquiry Committee. He would ask them to think if it would make any difference if instead of two Minister puppets of the Government, the Governor and members of the Executive Council managed this show. "If the Government takes up the transferred departments," said Mr. Das, "I do not know what your feeling will be, but I will have a sigh of relief because I will say to myself that I have thoroughly succeeded. I have succeeded in taking the mask off the face of the bureaucracy. They will be doing the same thing as they had been doing without the apology of the Ministers. I would say to myself that I have stripped them naked. So if such a good fortune awaits us, don't be disheartened, don't be disappointed, but be sure if the Government takes up the transferred departments to-day, to-morrow they will be bound to bring in a regular system of Self Government. Remember that in Egypt they had Military Government before they recognised the rights of the Egyptian people."

#### Victory in Council and Work Outside

Continuing, Mr. Das reminded his audience that victory in Council was only possible if people were organised outside the Council. It was their duty to organise them, for therein lay the merits of constructive work for doing real good to the people of this country. That organisation was more possible now than even in the year of non-cooperation because they knew now how determined the enemy was and they know also what was the best way of fighting the enemy. Their programme would be based on how best to carry on constructive work outside the Council as well as inside the Council. Proceeding to examine the work that the Swarajya Party had done in the Assembly and in the Provincial Councils, Mr. Das maintained that in all their work they had always upheld two principles to which he had referred and with which they inaugurated the party at Allahabad two years ago. Mr. Das said—After all, life is not governed by fixed rules. After all, however cleverly you define the principles and rules, there is something, some vital principle in your life which will elude your definition. You must adapt yourselves, you must rise to the occasion. One thing is clear: we are out to destroy the system of bureaucracy. We will not have it. People have declared against it. Dyarchy is already dead. If it ventures to appear again in our midst we must take such a course of action that even this Government will have to proclaim from the housetops that the system is dead. That it is dead they know in their

heart of hearts, but they are afraid to proclaim it. Our course of action must be such as to compel them to proclaim it. We must compel them to proclaim what is to us an apparent fact. Dyarchy is dead, let it be buried seven fathoms deep. I therefore appeal to you to remember this. Do not go by doctrinaire politics, doctrinaire way of dealing things, look deep into it and you will find that our programme only illustrates those two principles with which we started."

#### Lord Olivier's Charges

Interested people had questioned the method of the Swarajya party. False charges had been brought so repeatedly against them that he ventured to think that those who had followed them in the newspapers had come to the conclusion that they were false charges put forward with an ulterior object. He could not however help referring to the charge which had been levelled against them and that not by newspapers here alone, not by His Excellency the Governor of Bengal whose utterances had been so curious from time to time that he would not have thought it worth while to refer to them, but he understood the Secretary of State for India, Lord Olivier, had brought a charge against the Swaraj party. That charge was that they were guilty of bribery and corruption. He had no complaint against his Lordship, because he knew that Lord Olivier had been speaking from brief. He was not surprised at it either, because it was a familiar method of the bureaucracies and their watch dogs. It was a familiar method of trying to suppress truth. It was a familiar method by which they wanted to strangle national activities which made for freedom. It was as old as history. He knew the whole thing, he knew that it was concocted here. It was dressed up by Anglo-Indian newspapers including, he was sorry to say, some Indian newspapers as well. (Laughter) It was sent up to England, by interested persons. He used the word "interested persons" advisedly, because if freedom came to India there was a class of people who would be vitally affected, whose money-making power would decrease and those were the people who cooked up this false and foul accusation and circulated it all over the country. They and their watch dogs sent it across the seas to England and English newspapers docketed it and placed it before the Secretary of State. He did not blame Lord Olivier.

#### No Appeal to the Bureaucracy

Mr Das was not afraid of it. He was prepared for it and told his friends that he knew that they began to slander him and the Swarajya party because his party had hit them. He congratulated himself on the charge because he felt that he had succeeded in giving them knock after knock or why should these people put forward wanton charges or why was it that they had arrayed against him and got together the Indian watch dogs also? He was glad of it. His countrymen who knew him would refuse to believe this slander. Mr Das appealed to them to stand fast to the Swarajya party, give them the help which they wanted, not for themselves. He assured them, for no Swarajist was after any post in the Legislative Council, all support which they wanted in order that they may wrest this power from the hands of the alien bureaucracy, all support because they wanted to vindicate the honour of the people of this country. He would make no appeal to the bureaucracy or to the Secretary of State.

#### The General Secretary's Review.

Pandit MOTILAL NEHRU, General Secretary, then reviewed the work of the Swarajya party from its inauguration up to the present time and referred to their work in the Legislative Assembly. He said that whenever the Government had chosen to come into conflict with the party, the Government had been defeated. Like Mr. Das, Pandit Nehru maintained that throughout their action had been in conformity with two fundamental principles, namely, rousing the spirit of resistance of the people and gradual withdrawal of co-operation with the Government. Referring to the charge of bribery, Pandit Nehru said that they had not the money with which they could bribe people. As General Secretary of the party, he could say that their balance from the very beginning was nil. (Laughter) As an illustration he pointed out that the Swarajists contested the last elections with very little funds at their disposal. In the United Provinces, they spent a sum of Rs. 25,000 in running 67 candidates. In Bengal he was told by Mr Das that the expenses had altogether come up to about Rs. 30,000 and that Mr Das got this money on promissory notes.

The charge of bribery was false and the people who talk glibly of bribery and corruption in the Swarajist ranks were the greatest bribe-givers. He asked what code of ethics and morality would permit the Governor of Bengal to issue a solemn Government communique that the third Minister would be appointed from persons who voted for the Government? It was no use answering charges brought by people who went on bribing and committing corruption of all sorts.

### Revised Constitution of the Party.

*The following Constitution of the Swarajya Party was then agreed upon —*

NOTE — This constitution supersedes the constitution framed at Allahabad in February 1923

- 1 The name of the Party shall be the Swarajya Party
- 2 The object of the Swarajya Party is the attainment of Swarajya by the people of India by all legitimate and peaceful means
- 3 Every person who has attained the age of 18 years and subscribes to the object, constitution and programme of the Party shall be eligible to be members of the Party
- 4 (a) Every member of the Party shall pay an annual subscription of annas 8. Provided that if any member of the Party is a member of a Congress organisation, the annual subscription payable by him shall be annas 4 only.
- (b) Every Provincial organisation may fix an additional annual subscription payable by its own members as well as the members of the subordinate Committees within its jurisdiction
- (c) Every member of the General Council shall pay an additional subscription of annas 8
- 5 There shall be one Central and as many Provincial organisations as there are provinces in India.
- The number of Provinces and the geographical limits of each shall for the purpose of these Articles be the same as prescribed by the constitution of the Indian National Congress
- 6 The Central organisation of the Swarajya Party shall consist of the General Council, the Executive Council and such special committees as the General or Executive Council may from time to time appoint from among the members of the Party.
- 7 The General Council of the Swarajya Party shall consist of—
  - (a) All members of the Swarajya Party of the Assembly,
  - (b) One fourth of the members of the Swarajya Party of each Provincial Legislative Council to be elected by the said Party,
  - (c) All the Swarajist members of the All India Congress Committee,
  - (d) Two members to be elected by each Provincial organisation from among its members in such manner as the said organisation may determine
- 8 The General Council shall hold office for the term of the Legislative Assembly and the Provincial Legislative Councils constituted for the time being. Provided that in case of a fresh General election of the members of the All India Congress Committee or of the Assembly or any Provincial Council, the members of the General Council who fail to secure re-election shall go out and those Swarajists who are newly elected will take their places
- 9 The General Council shall elect the following office-bearers —
 

The President of the Party,  
The General Secretary,  
The Treasurer

Provided that the office-bearers so elected shall hold office for the term of the General Council and until a fresh election takes place
- 10 The General Council shall continue to function notwithstanding any vacancies in it for the time being due to any cause whatever
- 11 The Executive Council shall consist of—
  - (a) The President, the General Secretary and the Treasurer as ex-officio,
  - (b) Four persons to be nominated by the President from among the members of the General Council,
  - (c) Five members to be elected by the General Council from among its members, and shall hold office for the term of the General Council

Provided that any vacancy among office-bearers or the elected members of the Executive Council shall be filled by the President pending the due election of such office-bearers or elected members and if the President vacates office for any cause whatever, the General Secretary shall act in his place and perform his duties until another President is duly elected

12 The General Council shall have jurisdiction in all matters affecting the Party, its policy, programme and organization with plenary and disciplinary powers over all members of the Party, and may frame rules for its own guidance and issue instructions for—

(a) the guidance of Swarajist members of the Legislative Assembly and the Provincial Councils, and

(b) the general carrying out of the policy and programme of the Party throughout India

13 The Executive Council shall be the chief Executive of the Party with power to raise and disburse funds and authorize the office-bearers or any one or more of them to draw upon the Party funds for Party purposes

14 The Executive Council shall supervise the carrying out of all resolutions, rules and instructions issued by the General Council and take such steps as may be necessary to enforce the same

15 When the General Council cannot meet in time to dispose of any urgent matter requiring immediate decision, the Executive Committee shall have all the powers of the General Council, and all resolutions passed and instructions issued by it shall be binding on all members and subordinate organizations until such resolutions and instructions are modified or superseded by the General Council

Provided that all cases of the exercise of emergency powers under this Article shall be reported to the General Council

16 The President shall have power to decide whether any matter is sufficiently urgent to be dealt with under Art 15 and, in matters of extreme urgency, give such directions as he thinks fit pending its disposal by the Executive Committee under the said Article.

17 Every province shall have full autonomy in all Provincial matters including the carrying out of the programme of the Party and the organization of the Provincial and other subordinate General and Executive Committees, subject always to the general policy of the Party and such instructions as may from time to time be issued by the General or the Executive Council of the Party in regard to such general policy or inter provincial relations

Provided that when two or more Provinces as constituted under these Articles come under one Provincial Legislative Council, each of such Provincial organizations shall elect in the case of the Bombay Legislative Council one member and in the case of other Legislative Councils two members from among themselves to form an Inter-Provincial Legislative Council Committee and this committee shall perform the functions of the provincial organization in matters relating to the Legislative Council

Provided further that all matters on which there is a difference of opinion between the members of the Party in the Provincial Legislative Council and the Inter-Provincial Legislative Council Committee shall be referred to the Executive Council of the Party and its decision thereon shall be final.

18 A general meeting of the Party shall be held when summoned by the General Council at such time and place as it may determine

19 A meeting of the General Council shall be held when summoned by the Executive Council at such time and place as it may determine

Provided that a meeting of the General Council shall be held on the requisition of not less than 40 members as soon as may be convenient after the said requisition is delivered to the General Secretary

Provided always that the said requisition shall clearly specify the motion to be made or the subject to be discussed at such meeting

Provided further that the requisitionists may require the meeting of the General Council to be held at the time and place named by them and the said meeting shall be held at such time and place unless the Executive Committee is of opinion that it should be held at a different time or place. In case of such difference of opinion the question shall be decided in accordance with the opinion of a majority of Provincial organizations

20 The Executive Council may be summoned by the President or the General Secretary as often as may be necessary

17(a)



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21 The quorum for a meeting of the General Council shall be 40 and for that of the Executive Council 5

22 Notices of meetings shall be valid if—

- (a) in the case of a meeting of the Party the notice specifying time and place is published in at least one newspaper of each Province not less than four weeks before the date of the meeting,
- (b) in the case of a meeting of the General Council the notice specifying time and place is posted to each member not less than two weeks before the date of the meeting, and
- (c) in the case of a meeting of the Executive Committee if notice specifying time and place is either posted not less than one week or telegraphed not less than 3 days before the date of the meeting

23. The General Council shall be the Subjects Committee for General meetings of the Party

24 The accounts of the Party shall be audited once every year by an Auditor to be elected by the General Council and published for the information of the members of the Party and the public

25. This constitution shall not be modified or added to, except at a meeting of the General Council specially called for the purpose and then only if a majority of not less than two third of those present are in favour of such modification or addition

26 The first meeting of the General Council under this constitution shall be held in Calcutta on the 17th August or such date to which it may be adjourned and shall be deemed to be properly constituted by such members as are present in Calcutta notwithstanding the want of notice to others or the absence of elections by the Provincial organizations and of members of the Provincial Legislative Councils. All members of any Provincial Legislative Council present in Calcutta shall have a right to take part in the said meeting

### CALCUTTA—17TH AUGUST, 1924

Next-day, the 17th August, the Conference passed the following resolutions and then adopted the programme of the Swaraj Party.

#### Lord Lytton's Dacca Speech Condemned

Mr M R JAYAKAR (Bombay) then moved the following —

"This general meeting of the Swarajya party hereby expresses its strongest disapproval and condemnation of the sentiments expressed by H E, Lord Lytton in his recent speech referring to the alleged practice of Indian men and women of conspiring to bring false accusations against the Police relating to the honour of Indian women with a view to bringing the police authority into contempt. This meeting enters its most emphatic protest against the views expressed by His Lordship which are the outcome of his ignorance, prejudice and antipathy and are entirely unworthy of the high status and dignity of the position which His Lordship holds and constitute an unwarranted affront to the Indian men and women

"This meeting is further of opinion that by the expression of such one-sided, reactionary and harmful sentiments, especially at a time when the appeal involving this question was sub judice, His Lordship had unmistakably evidenced his utter unfitness to hold his high office any more and this meeting expresses its firm conviction that the public feeling in India will not be allayed till H E makes suitable amends with the Indian people for his open affront to their honour and until such amends is made this meeting calls on all Indians to boycott all functions given by the Governor"

Mr Jayakar characterised Lord Lytton's utterance as a covert and most objectionable utterance made about Indian men and women. He asked everyone who respect Indian women to support the resolution. As a lawyer, he regretted that the Governor should have given vent to his feelings at a time when the appeal in the "Charmanar Case" was pending. He urged them to leave no stone unturned to start an agitation all over the country and compel the Government to make amends for the most unworthy but miserable affront that could be inflicted on them. The resolution was passed

#### Akalis Struggle.

A resolution proposed by Mr. Asaf Ali (Delhi) and seconded by Mr. M. K. Acharya (Madras) sympathising with the Akali movement and calling on the

Swarajist members of the Punjab Legislative Council and the Assembly to take early steps to secure a honourable and satisfactory settlement of the question was passed

#### Vaikom and Tarakeshwar

On the motion of Dr Moonji (Nagpur), seconded by Mr Ramadas (Madras), a resolution was passed sympathising with the Satyagraha movements at Vaikom and Tarakeshwar and wishing them success

#### Federation of Free States

Moulana Hasrat Mohani's arrival at the Conference and his joining the Swarajya Party was unexpected and dramatic, as it was known neither when he came to the Conference nor when he was addressing the Conference at the request of Mr C R Das. He suggested an amendment in the Party's constitution, namely, the addition of the words that the ultimate object of the Party was to establish a Federation of Free States of India.

Mr Das pointed out that since the Swarajya Party was a wing of the Indian National Congress the Party's constitution could not be amended without changing the Congress constitution. But Moulana Hasrat Mohani wanted to move his resolution to that effect and Mr Das was willing to accept it. Moulana Hasrat Mohani then declared himself a member of the Swarajya Party and moved a resolution on the lines of his suggestion.

The resolution was supported by Mr V J Patel. He said that they all agreed that the Moulana Sahab had, after very careful consideration and anxious thought in jail for a period of over two years, come to the conclusion that the only rational and right programme for the country to adopt was the programme of the Swarajya Party. The speaker did not agree with him in the views propounded by him about the *Charkha*. They did not say that the *Charkha* alone would bring Swarajya to the country. They did not say that boycott of the British Empire goods alone would bring Swarajya to the country. They did not say that their activities in the Councils alone would bring Swarajya to the country. They did not say that the constructive programme alone would bring them Swarajya. What they did say was that a totality of activities of all these items, both of the Indian National Congress and of the Swarajya Party, would bring them Swarajya. They must create a spirit of resistance in their own people and all activities directed towards the creation of the spirit of resistance to the bureaucratic government were embodied in the programme of the Swarajya Party. He was absolutely certain that now that Moulana Hasrat Mohani had become a member of the Swarajya Party, the Swarajya Party, under his able guidance and advice, would make for the progress of the country within a few months. Either the Swarajya Party would be absorbed in the Indian National Congress or the Indian National Congress would be absorbed in the Swarajya Party. The whole object of the Party was to capture the Congress. No activities within the Councils would be of any use unless the bureaucracy knew that those activities had the support and backing on the Indian National Congress. The resolution was carried.

### The Programme.

The following is the programme of the Swarajya Party approved by the Conference —

Whereas by the programme adopted at Allahabad on the 23rd of February 1923 the Party declared that its policy shall include, on the one hand, all such activity as stands to create an atmosphere of resistance making Government by bureaucracy impossible with a view to enforce our national claims and vindicate our national honour, and on the other hand, shall include for the said purpose all steps necessary for the gradual withdrawal of that co-operation by the people of this country with which it is impossible for the bureaucracy to maintain itself,

And whereas the application of the said principle to the existing facts of our national life with special reference to the varying attitude of bureaucratic Government which rules that life, demands that such principle must include self reliance in all activities which make for the healthy growth of the nation, and resistance to the bureaucracy as it impedes our progress towards Swarajya,

And whereas in the light of the experience gained in the Assembly and the different Councils, and in view of the recent developments in the political situation in India, it has become necessary in the best interests of the country to restate the policy and programme of the Party in detail, having regard to the said principle,

Now, the Swarajya Party declares that the guiding principle of the Party is self-reliance in all activities which make for the healthy growth of the nation and resistance to the bureaucracy as it impedes the nation's progress towards Swarajya, and, in giving effect to the said principles, the Party resolves to adopt the following programme, that is to say —

#### Within the Legislature

- 1 Within the Legislative bodies, the Party shall, whenever possible,—
  - (a) refuse supplies and throw out budgets unless and until the system of Government is altered in recognition of our rights or as a matter of settlement between the Parliament and the people of India,
  - (b) throw out all proposals for legislative enactments by which the bureaucracy proposes to consolidate its powers,
  - (c) to move resolutions and introduce and support measures and bills which are necessary for the healthy growth of national life and the consequent displacement of the bureaucracy,
  - (d) to help the constructive programme of the Indian National Congress,
  - (e) to follow a definite economic policy to prevent the drain of the public wealth from India by checking all activities leading to exploitation and to advance the national, economical, industrial and commercial interests of the country,
  - (f) to protect rights of labour, agricultural and industrial, and adjust the relations between landlords and tenants, capitalists and workmen
- 2 No member of the Party shall accept any office in the gift of the Government with or without salary or other remuneration
- 3 With a view to make the work of the Party effective, it shall be open to its members of the Assembly and various Provincial Councils to seek election to every post and place in the Assembly or the Councils and on their Committees which may be open to them for election

Provided that no member shall seek election in contravention of any rules framed by the members of the Party in the Assembly or any of the Councils as the case may be

- 4 In all other matters members of the Party in the Assembly and the Councils shall be guided by their own rules which shall be submitted for the sanction of the Executive Council as soon after they are framed as convenient, provided that any of the said rules disapproved by the Executive Council shall cease to have effect from the date when such disapproval is communicated to the members concerned

#### Outside Councils

Outside the Councils, the Party shall work for

(a) inter communal unity with a view to bring about complete understanding between Hindus, Mahomedans, Sikhs, Parsees, Jews, Indian Christians (including domiciled Anglo Indians), and all other communities living in India, more specially, the removal of disputes and difference between Hindus and Mahomedans and Brahmins and Non-Brahmins,

- (b) removal of untouchability and raising of the depressed classes,
- (c) Village organisation
- (d) Organisation of labour in the country, Industrial as well as Agricultural, including ryots and peasants with a view to protect and promote its interests and enable it to take its proper place in the struggle for Swarajya
- (e) The acquiring of economical control of the country including development of commerce and industry
- (f) The acquiring of control for Nationalists over Local and Municipal affairs by contesting elections to the Local and the Municipal Boards in several Provinces
- (g) The carrying out of the constructive programme of the Congress in such manner as it thinks necessary in relation to Swadeshi, Khaddar, Temperance, National Education and Arbitration Courts

(h) Boycott of selected British Empire Goods manufactured outside India on the advice of a committee with a view to use it as a political weapon in the pursuit of Swarajya

(i) Formation of a Federation of Asiatic countries and nationalists with a view to secure solidarity of Asiatic nations to promote Asiatic culture and mutual help in the matter of trade and commerce

(j) Organisation of agencies of foreign propaganda for Indian affairs with special reference to the dissemination of accurate information and the securing of sympathy and support of foreign countries in this country's struggle for Swarajya

### Proposals for Political Unity

The great victory which the Swarajists next won in the Bengal Council on the 26th August (see p 216) was not however an unalloyed blessing, for though it sent diarchy tumbling down, it created also a great bitterness in the minds of an influential section of Moslems. At no time in recent years was there such a great tension of feeling, mainly amongst the Hindus and Moslems, as at this period, and the need for a reunion was daily growing imperative. Efforts in this direction were now levelled from two altogether different sources. Mahatma Gandhi on one side, and Mrs Besant on the other.

#### Mrs. Besant on Unity

Mrs Besant came back from her mission in England on August 29th and at once she made a move to unite the political parties in the country. Why? Because "the chief hindrance," she said, "to our work in England was the idea that India was so divided into opposing parties that there was no one able to speak for it as a whole and no one with whom the Government could deal with the certainty of giving satisfaction." Her immediate work, accordingly, on return to India 'was to unite all the parties outwardly on that on which they all agree, namely, the absolute necessity of Swarajya.' With this end in view she interviewed M Gandhi and in the pourparlers that followed she succeeded in influencing the Mahatma to co-operate with her.

Early in September she came to Simla to see the leaders of the various parties in the Central Legislature and see if it was not possible to come to an agreement to discuss a basis of united work, so that if the leaders approved they might suggest a Round Table Conference of delegates from political organisations which were working for Swaraj, such as the All-India Congress Committee, the Liberal Federation, the National Conference and Convention, the Swarajya Party, the All-India Muslim League and the Independent Party just formed in the Assembly. She suggested that each organisation should send 20 delegates, more or less, and the time and place of the meeting to be fixed somewhere in the third week of November at a central place like Allahabad. She proposed that delegates at this conference should try to agree upon the kind of outline which could be taken as the basis for further work and that they should take back such outline to their organisations and submit them for discussion and amendment at their annual meetings which generally take place at Christmas time. Under that authority the delegates might meet again in January or early in February and draft a definite measure to lay before Parliament. She felt very strongly that no bill framed by the British Parliament would give satisfaction here, that it was vital that any Bill which might be shaped should contain a clause giving power to the Indian Legislature to amend the Act without again referring to Westminster.

#### The Mahatma's Plea for Unity.

The other move towards unity came from M Gandhi himself. His was a plea for Congress unity and he had certainly no faith in Mrs Besant's programme of getting anything from the British Parliament. Ever since his disillusionment at the Ahmedabad A. I. C. C. meeting

in June (see Vol I. p. 607) where he made a strong bid for the 'No-changers' uncompromising capture of the Congress for which he was "defeated and humbled," the Mahatma had been taking stock of the realities and before September had completely revised his plan. At Ahmedabad he was all for fight with the Swarajists on other parties he never wasted his attention. Now he suddenly capitulated to the Swarajists and also began to notice the existence of other parties. The reason for this sudden *volte face* was the realisation of the great schisms that non-co-operation had brought into the country. Between Swarajists and No-changers, between Hindus and Moslems, between Congressmen and Liberals, the dividing line was gradually running into an abyss of hatred. Having felt his mistake the Mahatma was now eager to purchase peace and unity at any price. He was willing to keep politics outside the Congress and make the latter into a spinning corporation. He was willing to join Mrs Besant and to participate in formulating a scheme of Swaraj which on behalf of India as a whole would be presented to Parliament. The first important pronouncement of the Mahatma on this new aspect was at the Excelsior Club, Bombay, on August 31, and again at Poona some four days after. "There was no reason," he said, "why we could not find a common denominator of action. There must be some things on which we could all unite and for the prosecution of which we could all meet under the same roof". He therefore proposed a "lowest common measure". He was willing to suspend non-co-operation altogether, at least the more militant aspect of it, and proposed concentration of the Congress on the promotion of three items only: (1) Hand-spinning, (2) Hindu-Moslem unity, and (3) removal of untouchability. Subsequently he amplified his views and issued on September 11th a long article in his paper YOUNG INDIA. In this article he said —

"Our non-co-operation has taken the form of non-co-operation in practice with one another instead of with the Government. Without wishing it we are weakening one another and to that extent helping the system we are all seeking to destroy.

"Our non-co-operation was meant to be a living, active, non-violent force matched against the essential violence of the system. Unfortunately the non-co-operation never became actively non-violent. We satisfied ourselves with physical non-violence of the weak and helpless. Having failed to produce the immediate effect of destroying the system, it has recoiled upon us with double strength and now bids fair to destroy us, if we do not take care betimes. I, for one, am therefore determined not to participate in the domestic wrangle but would even invite all concerned to do likewise. If we cannot actively help, we must not hinder. I am just as keen a believer as ever in the five boycotts. But I clearly see, as I did not at the time of the A.I.C.C. meeting, that whilst we maintain them in our own persons, there is no atmosphere for working them. There is too much distrust in the air. Every action is suspected and misinterpreted. And whilst we carry on a war of explanation and counter-explanation, the enemy at the door is rejoicing and consolidating his forces.

"I have therefore suggested that we should find out the lowest common measure among all the political parties and invite them all

to co-operate on the Congress platform for achieving that common measure. This is the work of internal development without which there will be no effective external political pressure. The politicians who put the external work before the internal, or who think (which is the something) that the internal is too slow for them, should have the greatest freedom to develop their strength, but in my opinion, this should be outside the Congress platform. The Congress must progressively represent the masses. They are as yet untouched by politics. They have no political consciousness of the type our politicians desire. Their politics are confined to communal adjustments. We must share their sorrows, understand their difficulties and anticipate their wants. With the pariahs we must be pariahs and see how we feel to clean the closets of the upper classes and have the remains of their table thrown at us. We must see how we like being in the boxes, miscalled houses, of the labourers of Bombay."

With this end in view he then formulated the following proposals —

"(1) The Congress should suspend all the boycotts except that of foreign cloth till the session of 1925

(2) The Congress should, subject to (1), remove the boycott of Empire goods

(3) The Congress should confine its activity solely to the propaganda of hand-spinning and hand-spun khaddar, the achievement of Hindu-Muslim unity, and in addition, its Hindu members' activity to the removal of untouchability

(4) The Congress should carry on the existing national educational institutions, and if possible, open more and keep them independent of Government control or influence

(5) The four-anna franchise should be abolished and in its place the qualification for membership should be spinning by every member for half an hour per day and delivery to the Congress from month to month of at least 2000 yards of self-spun yarn, cotton being supplied where the member is too poor to afford it

#### Reason for changing the Constitution

"It is necessary to say a word about the proposed radical change in the Congress constitution. I may be pardoned for saying that I am the principal author of the Congress constitution. It was intended to be the most democratic in the world, and if successfully worked, to bring Swaraj without more delay. But it was not so worked. We had not sufficient honest and able workers. It must be confessed that it has broken down in the sense in which it was intended. We never had even one crore of members on the roll. At the present moment probably our nominal roll does not exceed two lacs for all India. And the vast majority of these too are as a rule not interested in our proceedings save for paying four annas and voting. But what we need is an effective, swift-moving, cohesive, responsive organisation containing intelligent, industrious national workers. Even if we are a few only, we should give a better account of ourselves than a cumbrous and slow body with no mind of its own. The only boycott proposed to be retained is that of foreign cloth and if we are to make it

successful, we can only do so by making the Congress for a time predominantly a spinners' association. It will be a great triumph and a great demonstration, if we succeed in one constructive item of a striking magnitude. I hold that the only possible thing of the kind is hand-spinning and hand-spun khaddar.

"The implications of my proposals are that—

(a) The Swarajists should be free to organise themselves without any opposition from the Congress or No-changers.

(b) The members of other political bodies should be invited and induced to join the Congress.

(c) The No-changers should be precluded from carrying on any propaganda either direct or indirect against Council-entry.

(d) Those who do not personally believe in one of the four boycotts will be free, without any disgrace whatsoever, to act as if they did not exist. Thus, non-co-operating lawyers will be free to resume practice if they chose, and title-holders, school masters &c will be free to join the Congress and be eligible to the executive.

"The scheme enables all the political parties to work unitedly for the internal development. The Congress presents a suitable opportunity for a conference of all political parties in and outside the Congress to frame a Swaraj scheme acceptable to all and for presentation to the Government. Personally I am of opinion that the time has not arrived for any such presentation. I believe that it would increase our internal strength beyond expectation if we could all simply unite to make the foregoing constructive programme a success. But a large number of those who have hitherto led the country think otherwise. In any event a Swaraj scheme for the sake of ourselves is a necessity. As the reader will remember, I am in this matter a complete convert to Babu Bhagwandas's view. I would therefore join any such conference, if my presence was required, and assist at framing the scheme. The reason for insisting on this matter being treated as an activity outside the Congress is to keep the Congress purely for internal development for full one year. When we have achieved a measure of success commensurate with the task before us, the Congress may function for outside political activity."

M. Gandhi then observes that if the Swarajists refuse his proposals and if the whole fight is for capturing the Congress then he would hand over the Congress to the Swarajists in their terms and leave them to work their Council programme unhampered, and at the same time he would engage the No-changers solely on the constructive programme. He then concludes:

"What I have sketched above is not conditions of surrender. Mine is an unconditional surrender. I would guide the Congress next year only if all parties wish me to. I am trying to see daylight out of this impenetrable darkness. I seem to see it dimly. But I may be still wrong. All I know is that there is no fight left in me."

This announcement fell as a bomb-shell in political circles. On the 4th September the Reception Committee of the Congress announced the name of M. Gandhi as being elected as the President of the forthcoming Congress at Belgaum. It was strongly rumoured and feared that the

only man who could bring about a united Congress would now go out of the Congress and retire from active controversial politics. The Swarajist leaders, Messrs Das and Nehru, kept up a mysterious silence but Mrs Besant at once boldly declared her acceptance of M Gandhi's proposals. She immediately issued the following declaration —

#### Dr Besant's Views

"Mr Gandhi has spoken out quite plainly in "Young India" as to the lines on which he desires to shape a United Congress. I am, therefore, free to state my side of the case, and the decision to which I have come, in which my closest followers agree.

"Mr Gandhi says that, in his opinion, 'the Congress Constitution has broken down. We have no electorate worth the name.... We are therefore almost a self-appointed electorate and self-appointed representatives'. The aspect of Satyagraha presented to the public had been that of Civil Disobedience and Non-Co-operation. Over this quarrel had arisen. 'There must be something on which we could all unite, and for the prosecution of which we could all meet under the same roof. The spinning wheel, unity between the different communities, and the removal by Hindus of untouchability on which all could unite'.

"Mr Gandhi suggested, when I met him in Bombay, that the Congress should, for a year, suspend from its programme the constitution which had broken down—since it had not been carried out—Non-Co-operation and Civil Disobedience, these being the things that divided us, and accept the three things he suggested, on which we could unite. Apart from these, we should be free to follow our own lines of political activity, but the Congress should be responsible only for the items he mentioned, these being obligatory on all Congressmen.

"To the unity between communities and the removal of untouchability I agreed at once. In fact at the very beginning of the conversation I had offered to work with him on these, and also on temperance, excluding picketing, which always led to violence sooner or later.

Remained the spinning-wheel. As a village industry, including the hand-loom, I agreed with this and had long used materials thus produced. I have long urged that the disappearance of village industries and of village self-rule and communal ownership of the village land, were the chief causes of the terrible poverty of the masses, and that the restoration of these was essential not only to prosperity but to Swaraj (See my lecture in 1913 on "Village Industries and Self-Government.") But Mr Gandhi desired more than this theoretical agreement, he wanted the Congressmen to spin for half an hour a day, whatever his rank or profession. His reasons, put briefly, were — There was a large number of hand-looms lying idle for want of yarns. The villagers—he had lived among them, were hopeless of any real improvement in their condition, and he wanted those who had no need to spin to set them an example, for it would give them hope of practical sympathy, and also they would follow an example where they were too hopeless to obey a precept, no one was too busy to give half an hour a day to help in the redemption of the peasantry by working with them at one thing. I remarked that I travelled



much, and could not carry a charka about with me, he retorted triumphantly that a charka was unnecessary, and produced his own to show that it only needed a twirlig less than a foot long, the use of which could be mastered in ten or fifteen minutes. The reason seemed to me cogent and, above all, there was the question of a United Congress, obviously there was no principle against spinning for half an hour a day, if only this stood between the Congress and myself I would gladly agree to "do my bit", there being nothing I would not do to secure a United Congress, except a thing which I believe to be wrong. It is, of course, to be definitely understood that every one is to be free to follow the political road to Swaraj that he believes to be best, i.e., to take myself, I continue to work as President of the National Home Rule League and as General Secretary of the National Conference and Convention, for I am pledged to work for Swaraj—Dominion Home Rule—by obtaining a Constitution establishing it as soon as possible, by constitutional means, and made by Indians containing a clause giving power to amend it. I mentioned this to Mr Gandhi, and he said that he would like to take part in the discussion of such a Constitution and would be bound by the vote of the majority. I asked him if I were right in thinking that he had said that in the political field he meant by "Swaraj" parliamentary Self-Government, and he said, yes

"I am prepared to endorse the three proposals of M Gandhi for the Congress programme for the coming year, and I will rejoin the Congress when those in authority also accept them on behalf of the Congress, or, if there be no power to do this, then if the All-India Congress Committee will promise to put before the Belgaum Congress, as early as possible, a resolution accepting them, so that I may be able, if I can reach Belgaum in time, to be present before the end of the Congress. It would be useless for me to go if the Congress should reject M Gandhi's proposals, the only conditions on which I could re-enter it

"Would it be possible for each of the organised bodies which are working for Swaraj to elect, say, 20 persons from their officers and members to meet in a preliminary Conference at a central place, say, Allahabad, about the third week in November, under the presidency of a man not belonging to any party, to discuss and, if possible, agree on a draft outlining the form of Swaraj as they envisage it, and to submit this draft to the several bodies which elected them for discussion and amendment? There are the All-India Congress Committee, the Liberal Federation, the National Convention, the Swarajya Party, the Muslim League [The representatives of the National Home Rule Party are included in the National Convention] The delegates of each of these organisations might usefully bring with them rough drafts as bases for discussion, and any suitable materials they may have. In January or in early February, the delegates should meet with the resolutions of the bodies they represent—several meet in Christmas week—on the draft or drafts submitted to them, and draw up the final Draft Bill to be thrown into Parliamentary form by competent draughtsmen."

## The Mahatma's Fast

Suddenly, however, these diplomatic attempts to bring about political unity came to a dead-stop by a dramatic action of the Mahatma. It should be remembered that at this time there was a mighty wave of communal bitterness going round. Soon after the Delhi and Nagpur riots in July there came in quick succession the awful Hindu-Moslem riots at Gulbarga, Kohat and Lucknow (see p 26). News of the grim tragedy at Kohat of the 10th September was coming only by bits. On the evening of the 17th September Mahatma Gandhi, who had come to Delhi in connection with the Hindu-Moslem riots, all unexpectedly and without consultation with any of his friends, took a vow to fast for 21 days and issued the following statement with regard to it —

'The recent events have proved unbearable for me. My helplessness is still more unbearable. My religion teaches me that whenever there is distress which one cannot remove, one must fast and pray. I have done so in connection with my own dear ones. Nothing evidently that I say or write can bring the two communities together. I am therefore imposing on myself a fast of twenty-one days commencing from today and ending on Wednesday, the 8th October. I reserve the liberty to drink water with or without salt. It is both a penance and a prayer. As a penance I need not have taken the public into confidence. But I publish the fast as (let me hope) an effective prayer both to Hindus and Mussalmans, who have hitherto worked in unison, not to commit suicide. I respectfully invite the heads of all the communities, including Englishmen, to meet and end this quarrel which is a disgrace to religion and humanity. It seems as if God has been dethroned. Let us reinstate him in our hearts.'

The foolish and unseemly quarrel in the name of religion, the pillage and rapine and incendiarism and loot, the barbarous vandalism perpetrated in the Hindu-Moslem riots at Delhi, Kohat, Gulbarga and elsewhere, and more specially the desecration of temples and outrage on women, broke the Mahatma's heart, and as is characteristic with him, he took the sin of his countrymen on his own head and undertook a severe penance. The news sent a thrill of concern and anxiety throughout the country, and when everything else failed, this single act of the Mahatma served to arrest the attention of all communities, not excluding the Europeans, to the one problem of Hindu-Muslim unity. Everything that was possible to dissuade him from this resolve was done but in vain. As he himself explained, he was responsible for non-co-operation which had set free the vast energy of the people, and

"I must find a remedy if the energy proved self destructive. My responsibility is clearly somewhere. I was violently shaken by Amethi, Sambhal and Gulbarga. I was writhing in deep pain and yet I had no remedy. The news of Kohat set the smouldering mass aflame.

"Something had to be done. I passed two nights in restlessness and pain. On Wednesday (the 17th) I knew the remedy. I must do penance. My penance is the prayer of a bleeding heart for forgiveness for sins unwittingly committed. . . . My fast is a matter between God and myself. . . . When man wants

to make up with his Maker he does not consult a third party. . . I am striving to become the best cement between the two communities . . . I must prove to the Mussalmans that I love them as well as I love the Hindus My religion teaches me to love all equally My fast is among other things meant to qualify me for achieving that equal and selfless love

The immediate effect of this announcement was that the Shudhi and Sangathan movement of the Hindus was suspended, and so too the counter-movement of the Moslems And more than these, the press campaign of the respective communities maligning and vituperating their opponents was shamed into silence Even the die-hard European press subdued their usual calumniating style in writing about Indians, and, on the whole, an "atmosphere" as if of a great national calamity was created The Mahatma was then staying at Delhi as the guest of M Mahomed Ali. All persuasions unavailing M. Mahomed Ali, Hakim Ajmal Khan and Swami Shriadhanand issued an invitation to some 200 all-India leaders of all parties and communities to meet at Delhi in a Conference. The following telegraphic message was broadcasted —

'Moved by the daily growing proportion of Hindu-Muslim dissensions Mahatma Gandhi has begun twenty one days' fast by way of penance and prayer Considering all that the Hindus and Mussalmans and his other countrymen owe to him, and the world's great need of such a man, you can well realize what we stand to lose if (God forbid) anything untoward should happen Considering the length of the fast and his shattered health, who can under-rate the risk? It is therefore necessary for us all to decide immediately what we can do in these 21 days to retrieve the situation and relieve the Mahatma's agony of distress. Please join the Conference here on the 23rd September and bring with you whosoever may help. Wire arrival, Secretary Provincial Congress Committee, Delhi'

To this appeal there was a ready response from all over the country Not only men attached to the Congress but many Liberals and some Englishmen readily gave their assent and altogether some 300 peoples came over to Delhi The most remarkable figure was that of the Lord Bishop of Calcutta, and the *Statesman* made commendable efforts to rally the Europeans With the single exception of the Calcutta European Association which declined to send representatives, the response from the European quarter was remarkable for its spontaneity The Conference at last met on the 26th September, instead of on the 23rd as announced before, to suit the convenience of delegates

Prayers were offered at many places of worship all over the country for the life of the Mahatma and for the success of the Conference Even Christian Churches joined and special prayers were offered at the Holy Communion on behalf of the "Unity Conference" The Metropolitan of India himself conducted the prayers in Delhi. It was indeed the power of prayer that the Mahatma wanted to invoke But at the beginning of the Conference the partisan bitterness was there, and even though it gradually gave place to a general feeling of good-will, the Conference ended by passing a set of resolutions as given in the following pages But what was really wanted was *repentance*, as the Mahatma himself was doing *penance*—repentance for the follies committed or permitted

## The Unity Conference.

DELHI—26TH SEPTEMBER 1924.

The "UNITY CONFERENCE" commenced its session at 3 o'clock on the 26th September in the Sungam Theatre, Delhi. Nearly three hundred delegates attended. The Hall was well decorated with mottoes in English, Urdu and Hindi. Just above the President's dais was inscribed Rousseau's dictum "Man was born free, but he is everywhere in chains." Among the other mottoes were—"There is no redemption for India without liberty", "Swaraj without Hindu-Muslim unity is impossible", "Self-Government is the goal of our political ambition", "No Swaraj without any unity and no unity without love", "Spiritual force is the greatest force", "Charka is our machine gun" etc. On the dais there was a large size enlargement of Mahatma Gandhi's portrait.

Among those who were seated on the dais were Dr. Besant, Mrs. Naidu, Sarala Devi Chaudrani, Mrs. Anusuya Bai, Pandit Motilal Nehru, Mr. C. R. Das and Swami Shradhanand. Among the invited members there were the Metropolitan of India, Rev. King and Rev. Tilt of the Cambridge Mission, Principal Cannon Davis, Mr. Arthur Moore, Mrs. Stanner, Mr. H. S. L. Polak, Hon. Mr. Rangaswamy Iyengar, Hon. Mr. Vedamurthi, Mr. Lallubhai Samaldas, Messrs. Andrews, S. K. Nariman, Pandit Malaviya, Mr. Chintamani and other prominent leaders.

Mr. MAHOMED ALI opened the proceedings with a prayer for the long life of Mahatma Gandhi and everyone present prayed according to his own faith. Mr. Mahomed Ali, as Chairman of the Reception Committee, welcomed the delegates.

Mr. Mahomed Ali said that their quarrels were petty in the extreme and were very often under the name of religion. All the bitterness, rancour and ill-will between the communities had unfortunately crept in the name of religion. Their quarrels had nothing to do with religion. No patched-up peace would suit the present condition of the country. He believed in everyone following his own religion and not attempting to impose his religious obligations upon others. He firmly believed that toleration was the solution for the evil. In 1920, he said, they all thought that unity was a solid fact, and out of that unity they expected to grow true national progress. But they were wrong in their opinion. He wondered how many of its rights each community was prepared to surrender in favour of the other. By surrender he did not mean surrender of religious obligations. No community could make a demand on another community to surrender any of its rights, and if such a demand was made there would be no peace in this land. The surrender was to be optional and self-imposed. In religion there was no compulsion, there was no common denominator. No Musalman could force his convictions on non-Moslems, and no non-Moslem could force his convictions on a Musalman.

Pandit Motilal Nehru was then proposed to the chair.

Mr. Jawaharlal Nehru read to the Conference a large number of messages received from all parts of the country where meetings were held to pray for Hindu-Muslim unity and for the long life of Mahatma

Gandhi Messages from prominent men wishing success to the Conference and expressing inability to attend were also read.

*The following letter from the Metropolitan of India was read to the Conference —*

My dear Mahatma Gandhi,

I have read with deep concern the message which you have published announcing your fast. With the distress of mind which has prompted your action I have every sympathy and pray God that your suffering may achieve the purpose which has prompted it and lead men of both parties to seek a true basis of unity and peace. I would urge you to consider that your fast itself cannot provide the basis of such a unity though it may stir men to seek it and that having, as I believe, accomplished this purpose you should abandon it. While in the cause of the right, man should be ready to suffer even unto death at the hands of others, because the laying down of his life may be the most effective means of assuring triumph of right, I would remind you that the weapon which threatened your life is wielded by your own hands, not those of others, and if fatally used is calculated to estrange rather than conciliate. As a Bishop who at his consecration was pledged to get forward quietness, love and peace among all men, I have welcomed the invitation to take part in the Conference on Friday next. May this effort at conciliation which your action has called forth be abundantly fruitful in good to India and may it suffice to convince that your fast has accomplished its true end.

Pundit MOTILAL NEHRU in his presidential address, which he delivered both in Urdu and English, said that he felt that he was not in his own place and that he was usurping the place of another and that other was Mahatma Gandhi. They had met there in conference under the shadow of a great national humiliation. On the one hand they had internecine quarrels resulting in bloodshed, plunder, rapine and desecration of places of worship and on the other the one man to whom India owed all her present awakening was not present there, for he was fasting as a penance, not for any of his own sins, but for sins of the land. Meetings of Hindus and Mussalmans have been held all over the country and resolutions passed during the last few years. He would not say that these resolutions were not acted upon, all that was done during the last 20 years had come to nothing.

He then read the statement of Mahatma Gandhi which was issued a couple of days ago and appealed to the House to help him to conduct the proceedings in the spirit of that message. If it was only the question of passing resolutions then they need not have met at all. It was a question of searching their own hearts and asking themselves whether they were keeping up to the principles laid down by Mahatma Gandhi. If anybody in the Conference disagreed with those principles for communal unity laid down by Mahatma Gandhi, it was his clear duty to retire from the Conference, and if there were a considerable number of people who disagreed with his principles of unity then it was high time for them to say good-bye to all hopes of unity.

Pt. Motilal then moved the following resolution —

This Conference places on record its deep grief and concern at the fast which Mahatma Gandhi has undertaken. This Conference is emphatically of opinion that the utmost freedom of conscience and religion is essential, and condemns any desecration of places of worship to whatsoever faith they may belong, and any persecution or punishment of any person for adopting or reverting to any faith, and further condemns any attempts by compulsion to convert people to one's faith or to secure or to enforce one's own religious observances at the cost of the rights of others. The members of the Conference assure Mahatma Gandhi and pledge themselves to use their utmost endeavours to enforce these principles and to condemn

any deviation from these even under provocation. The Conference further authorised the President to convey personally to Mahatma Gandhi the solemn assurance of this conference that Mahatma Gandhi should immediately break his fast in order to permit this Conference to have the benefit of his co-operation, advice and guidance in deciding upon the speediest means of effectively checking the evil which is fast overspreading the country.

In moving the resolution which, he said, was in agreement with the principles laid down by Mahatma Gandhi, Pandit Nehru appealed to the House to pass the resolution unanimously. He begged the House to authorise him to take this resolution to Mahatma Gandhi and pray to him to break his fast and come and help them in the deliberations of the Conference. He did not believe that Mahatma Gandhi could easily be persuaded to break his fast before the completion of 21 days, even if the Hindus and Mussalmans could demonstrate immediately their absolute agreement in all vital matters, yet it would impart new strength to him to sustain the fast.

The resolution was then carried unanimously.

After some discussion about the election of members to the Subjects Committee, it was decided to appoint a small committee consisting of the President, Moulana Mahomed Ali, Pandit Madan Mohan Malaviya, Abul Kalam Azad, and Lala Lajpat Rai to select 80 members out of those attending the Conference to form the Subjects Committee of the Conference.

#### The Subjects Committee.

Next day, SEPTEMBER 27th, the following ladies and gentlemen were nominated to form the Subjects Committee of the Umty Conference: Hakim Ajmal Khan, Swami Shraddhanand, Moulana Mahomed Ali, G. K. Nauman, Sardar Mangal Singh, Dr S. K. Dutta, Most Revd the Metropolitan, Dr Annie Besant, Mr Chikode, Mufti Mahomed Sadiq Saheb of Qadian, Mufti Kifayatullah Saheb, Pandit Hridayanath Kunzru, Pandit Madan Mohan Malaviya, Pandit Dindyal Sharma, Khawaja Hassan Nizami, Lala Hansraj, Mrs Sarojini Naidu, Lala Lajpat Rai, Moulana Abul Kalam Azad, Mr C. R. Das, C. Rajagopalachari, Babu Rajendra Prasad, Dr B. S. Moonjee, Mr N. C. Kelkar, Syed Suleman Nadvi, Mahomed Shafi Hussein Ahmed, Dr M. A. Ansari, Moulana Hasrat Mohani, Mr M. R. Jayakar, Dr Kitchlew, Moulana Shaikat Ali, Messrs Vallabhbhai Patel, Jairamdas Daulatram, Dr Mahmud, Gangadhar Rao Deshpande, Arthur Moore, C. Y. Chintamani, T. A. K. Sherwani, Purshottamdas Tandon, Rai Kedarnath Saheb, Pirzada Mahomed Hussein, Vithalbhai Patel, Babu Bhagwan Das Ramchandra of Delhi, B. F. Barucha, S. M. Paranipye, Chaudhri Mahomed Abdulla Khan, Manzil Ali Sokhta, Pandit Harihar Singh Shastri, Master Sunder Singh Lyallpur, Dr Murahlal Sunderlal, Sarala Devi Chaudhrani, P. D. Kakkar of Lucknow, Nawab Syed Mehdi Hussein, Syed Jahid of Lucknow, Syed Zahur Ahmed of Lucknow, Moulana Ranbir Ahmed of Deoband, Haji Jan Mahomed of Peshawar, Amri Bhamwar of Peshawar, Manilal Kothari, Dr. Choitram, Professor Ruchiram Shahani, Raja Rampal Singh, Pandit Gokarnath Misra, Professor Vaman Patnaik, Pandit Nekiram Sharma, Lala Duni Chand of Lahore, Chaudhary Raghbir Narayan Singh, Shankar Lal Banker, George Joseph, Hafiz Abdul Aziz of Delhi, Shivaprasad Gupta,

Lala Dhanpat Rai of Jagraon, Khawaja Abdul Majid and a gentleman from Kohat to be nominated by Pandit Malaviya.

The Secretaries were M. Saheb Qureshi and Mr. Jawaharlal Nehru

On this day the Subjects Committee met at 8 o'clock at the Sangham Theatre. The visitors' galleries were packed and most members of the Committee were present.

Pandit Motilal NEHRU, President of the Conference, announced that he had visited Mahatma Gandhi and delivered the message of the Conference to him. Mahatma Gandhi appreciated it greatly. He was pleased with the resolution, and said that his intention was to produce the state of mind which had resulted in the resolution. He said, however, that his fast did not depend on this. That was a penance. But he wished to assure the members of the Conference that he did not intend to kill himself by his fast. If at any time the doctors assured him that his life was in danger by the continuation of the fast, he would break the fast, but the danger of life was not imminent. He would like to keep the fast for the full period of 21 days.

The President then invited general remarks on the present situation. Among those who spoke were the Metropolitan of India, Mr. Arthur Moore, Dr. Besant, Swami Shradhdhanand and Moulana Mufti Kifayatullah.

Dr. WESTCOTT made a touching speech, emphasising the brotherhood of man and the necessity for toleration. All religions taught men to respect other human beings and the necessity for toleration was much greater in India, where there were so many different religions and communities.

Mrs. BESANT who followed him made an eloquent appeal for unity. In her flowing robes and silvery hair she looked a most impressive figure and her speech had a wonderful effect.

Pandit M. MALAVIYA, who was the next to speak was clear and to the point. He laid emphasis on the fact that the only basis of settlement between the different communities is that all places of worship should be considered equally sacred and the honour of women should be held above communal distinctions. Quoting from the Vedas and the Quoran he emphasised the underlying unity of religions and the brotherhood between man and man preached by all religions.

Moulvi KIFAYATULLAH, the President of the Jamiat-ul-Ulema, also spoke in the same strain. He was questioned about the law of apostasy as to whether it was not a point of Islamic Law that a Muslim who was converted should be punished with death. The Maulvi held that the law was applicable only to Islamic countries.

Among other speakers at the Conference were the Editor of the "Statesman", whose speech was much appreciated, Mr. Hansraj, who represented the Arya Samajists' point of view, Mr. Nariman and Swami Shradhdhanand.

The Committee adjourned at 11-30 to meet again at 3 P. M. when after a prolonged discussion, it unanimously passed the following resolution moved by Maulana Shaukat Ali. This resolution was to be moved in the open Conference next day.

This Conference deplores the dissensions and quarrels that are now going on between Hindus and Mahomedans in several places in India resulting in loss of

life, the burning and plunder of property, and the desecration of temples. The Conference regards them as barbarous and contrary to religion. The Conference tenders its warm sympathy to the sufferers.

This Conference is of opinion that it is unlawful and irreligious for a person to take the law into his own hands by way of retaliation or punishment. The Conference is of opinion that all differences, no matter of what nature should be referred to the arbitrator, or if that be impossible even to a Court of Law.

This was the 1st resolution of the Conference.

Pandit MOTILAL, the President, said that he had received a letter from Mahatma Gandhi written and signed in his own hand. He read the letter to the Committee and it ran as follows

#### The Mahatma's Letter

"Dear Motilalji,

"Moved by affection and pity, the Conference guided by you has passed the resolution kindly read to me last night. I would ask you to assure the meeting that, if I could have complied with its wishes, I would gladly have done so, but I have examined and re-examined myself and find it is not possible for me to recall the fast. My religion teaches me that a promise once made or a vow once taken for a worthy object may not be broken. As you know, my life has been regulated on that basis for more than forty years. The causes of the fast are much deeper than I can explain in this note. For one thing I am expressing my faith through this fast. Non-co operation was not conceived in hatred or ill-will towards a single Englishman. Its non-violent character was intended to conquer the Englishman by our love. Not only has it not resulted in that consequence, but the energy generated by it has brought about hatred and ill-will against one another amongst ourselves. It is knowledge of this fact which has weighed me down and imposed this irrevocable penance upon me. The fast, therefore, is a matter between God and myself and I would therefore not only ask you to forgive me for not breaking it but would ask you even to encourage and pray for me that it may end successfully. I have not taken up the fast to die, but I have taken it up to live a better and a purer life for the service of the country and God. If, therefore, I reach a crisis, of which humanly speaking I see no possibility whatsoever, when the choice lies between death and food, I shall certainly break the fast, but Doctors Ansari and Abdul Rahaman, who are looking after me with the greatest attention and care, will tell you that I am keeping wonderfully fresh. I would therefore respectfully urge the meeting to transmute all the personal affection of which the resolution is an index into a solid, earnest and true work for the unity for which the Conference has met.

Yours sincerely,  
(Sd) M. K. Gandhi "

The Committee then passed the third resolution appointing a National Panchayat Board (See Page 155)

DELHI—28TH SEPTEMBER 1924

The Subjects Committee met again the next morning, September 28th, and resumed discussion of the resolution relating to the respective rights and duties of the members of the various communities. The discussion lasted several hours and eventually a sub-committee consisting of eleven members was formed to consider the various resolutions proposed and prepare, if necessary, a new draft. The sub-committee consisted of the following members—Hakim Ajmal Khan, The Most Rev the Metropolitan of India, Lala Lajpat Rai, Maulana Mahomed Ali, Swami Shradhanand, Babu Bhagavandas, Pandit Madan Mohan Malaviya, Maulana Abul Kalam Azad, Mufti Kifayatulla, Mr C. Rajagopalachari, Dr. Moonje and the President.



It was arranged that the Subjects Committee would not meet till this sub-committee had concluded its deliberations and that the main Conference would not meet till the Subjects Committee had considered and passed the resolutions recommended by the sub-committee. Accordingly the sub-committee met in camera and after prolonged deliberation drafted certain resolutions.

On the 29th the Subjects Committee considered these resolutions. The discussion lasted from 11 a m to about 11 p m almost without a break. Of the ten clauses of the main resolution (Resolution No 4 below) the committee passed two clauses and adjourned discussion on the third clause relating to cow-slaughter till the next day.

Next day, September 30th, the same discussion was continued. The purposelessness of these discussions in the committee was amazing. Many hours were wasted on wordy warfare and reasonable people were surprised that so much theology should be flung at the country when the whole world was watching. Thus the clause recommending to the Mussalmans to reduce cow-slaughter took many hours of discussion and finally could not be passed. Strong criticisms were expressed at the irresponsible way the committee was dragged on while the general conference was kept waiting. The result was that many leading men left Delhi in disgust. If the whole conference consisting of the three hundred and odd people had converted itself into a committee the whole matter would have been easy.

Eventually the resolutions that emerged from the Subjects Committee were as follows —

Resolution No 4 —(See page 156)

Resolution No 5 —This Conference is of opinion that a section of the Press, specially in the north, is responsible for increasing the tension between the different communities by publishing wild exaggerations reviling each other's religion and by every means fomenting prejudice and passion. The conference condemns such writings and appeals to the public to stop their patronage of such newspapers and pamphlets, and advises the central and local panchayats to supervise such writings and from time to time to publish correct versions.

Resolution No 6 —It having been represented to this Conference that in certain places acts of impropriety have been committed in relation to mosques, the Hindu members of this conference condemn such acts if and wherever committed.

Resolution No 7 —The Hindu and Muslim members of this Conference call upon their co-religionists to extend the same tolerance to the minor communities of India such as the Christians, Parsis, Sikhs, Budhists, Jains, Israelites, etc as has been extended by them to each other and to deal with them in all questions of communal intercourse with justice and generosity.

Resolution No 8 —This Conference is of opinion that attempts on behalf of members of one community to boycott members of any other community and to stop social or commercial relations with them made in certain parts of the country are reprehensible, and are an effective bar to the promotion of good relations between the various communities in India. The Conference, therefore, appeals to all communities to avoid any such boycotts and exhibitions of ill-will.

Resolution No 9 —This Conference calls upon the men and women of all communities throughout the country to offer daily prayers during the last critical week of the Mahatma's fast, and to organise mass meetings on the 8th October in every town and village, to express the nation's thankfulness to the Almighty and to pray that the spirit of good-will and brotherliness may pervade and unite all communities of India, and that the principles of full religious toleration and mutual good-will declared in this Conference may be adopted and given effect to by members of all communities in India.

DELHI—1ST OCTOBER 1924.

After an adjournment of four days, during which the Subjects Committee was busy discussing the draft resolutions, the Unity Conference met on October 1st at 5 o'clock in the evening in the Sungam Theatre. Owing to the inconvenience caused by the long adjournment, several representatives, including the Most Rev. the Metropolitan in India, Mr. Chintamani, some members of the Legislative Assembly and others who came from distant parts, had already left Delhi for home. There was, however, still a large number present, and some new arrivals were added to the number.

Pandit Motilal NEHRU, the President, briefly explained the delay in bringing the draft resolutions before the open Conference. He said that the resolutions had been fully discussed in the Subjects Committee, which consisted of about 80 members and was fully representative. A resolution passed by that body must be acceptable to the open Conference, and he considered that further discussion would be superfluous. He moved the following Resolution (No. 2) from the chair —

This Conference deplores the dissensions and quarrels that are now going on between Hindus and Moslems in several places in India, resulting in loss of life, burning and plunder of property, and desecration of temples. The Conference regards them as barbarous and contrary to religion. The Conference tenders its warm sympathy to the sufferers.

This Conference is of opinion that it is unlawful and irreligious for any person to take the law into his own hands by way of retaliation or punishment. The Conference is of opinion that all differences, no matter of what nature whatsoever, should be referred to arbitration and, if that be impossible, even to a court of law.

The resolution was passed unanimously and without discussion.

#### A Central National Panchayat

The next resolution (No. 3) which was also passed unanimously, without discussion, was as follows —

There shall be a Central National Panchayat of not more than 15 persons, with power to organise and appoint local panchayats, in consultation with the local representatives of the different communities, to enquire into and settle all disputes and differences, including recent occurrences, where necessary and desirable. The said National Panchayat shall have power to frame rules and regulations for carrying out this resolution.

The Conference appoints the following to act as the Central National Panchayat, with power to add to their number up to 15, and to co-opt local representatives as additional members: Mahatma Gandhi (Chairman), Hakim Ajmal Khan, Mr. G. K. Narayan (Parsee), Dr. S. K. Dutta (Christian) and Master Sundar Singh Lyallpur (Sikh).

In putting this resolution to the vote the President said that it was originally proposed to appoint 15 members to constitute the National Panchayat, but at present only six were appointed, with power to co-opt up to 15 and to add local men as occasion might arise.

Moul Abul Kalam Azad's name was suggested as a substitute for Hakim Ajmal Khan, in case he was unable to attend owing to ill-health, but Hakim Ajmal Khan agreed to serve so far as his health permitted.

#### Religious Toleration

Resolution No. 4, which had been adopted by the Subjects Committee,

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was then laid before the Conference, and further discussion was adjourned. It runs as follows —

With a view to giving effect to the general principles for promoting better relations between the various communities of India laid down in Resolution No 1 (passed on the first day of the Conference), and to secure full toleration of all faiths and religious practices, this Conference records its opinion

(a) That every individual or group shall have full liberty to hold and give expression to his or their belief and to follow any religious practice with due regard to the feelings of others and without interfering with their rights. In no case may such individual or group revile the founders, holy persons, or tenets of any other faith

(b) That all places of worship, of whatever faith or religion, shall be considered sacred and inviolable, and shall on no account be attacked or desecrated, whether as a result of provocation or by way of retaliation for sacrilege of the same nature. It shall be the duty of every citizen of whatever faith or religion, to prevent such attack or desecration as far as possible and where such attack or desecration has taken place, it shall always be promptly condemned

(c) (1) That Hindus must not expect that the exercise of the right of cow-slaughter by Moslems can or will be stopped by the use of force, resolution of a local body, act of the Legislature, or order of the Court, but only by mutual consent, and must trust to the good sense of Moslems and the establishment of better relations between the two communities to create deeper respect for their feelings. (2) Nothing stated in the above clause shall unsettle or affect any local custom or agreement between the two communities already in existence, nor will it authorise cow-slaughter in a place where it has not taken place before. (3) Any dispute of facts should be settled by the National Panchayat formed under Resolution No 3. (4) Cow slaughter shall not take place in a way offensive to the religious sentiments of the Hindus. (5) The Moslem members of the Conference hereby call upon their co-religionists to do everything in their power to reduce cow slaughter

(d) (1) That Moslems must not expect to stop Hindu music near or in front of mosques by force, resolution of a local body, act of a Legislature, or order of a court, except by mutual consent, but must rely upon the good sense of Hindus to respect their feelings. (2) Nothing stated in the above clause shall unsettle or affect any local custom or agreement between the two communities already in existence, nor shall it authorise the playing of music in front of mosques where it has not been played before. Any dispute with regard to the latter shall be referred for settlement to the National Panchayat formed under Resolution No 3. (3) The Hindu members of this Conference call upon their co-religionists to avoid playing music before mosques in such a manner as to disturb congregational prayers

(e) (1) That Moslems must not expect to stop by force, resolution of a local body, act of Legislature, or order of a court, except by mutual consent, the performance of *arti*, or the playing of music, including the blowing of *shankhas*, by Hindus during worship and on other occasions in their houses or temples or public places at any time, even if the house or temple in question is situated in close proximity to a mosque, but they should trust to the good sense of the Hindus to accommodate them. (2) Nothing stated in the above clause shall upset or affect any local custom or agreement between the two communities already in existence. Any dispute of facts should be settled by the National Panchayat formed under resolution No 3

(f) That Moslems are at liberty to chant *Azan* or offer prayers in their own houses or in any mosque or public place not set apart for the religious observance of any other community

(g) (1) That where the slaughter of an animal or the sale of meat is permissible on other grounds, no objection shall be taken to the method of slaughter, whether by *jatka*, *beli* or *ziona*. (2) Wherever there is any dispute regarding the sale of any kind of meat in a particular locality or quarter, it shall be referred for settlement to the Local Panchayat

(h) That every individual is at liberty to follow any faith and to change it whenever he so wills, and shall not, by reason of such change of faith, render himself liable to any punishment or persecution at the hands of the followers of the faith renounced by him.

That every individual or group is at liberty to convert or reconvert another by argument or persuasion, but must not attempt to do so, or prevent its being done by force, fraud or other unfair means, such as the offering of material inducement. Persons under 16 years of age should not be converted, unless it be along with their parents or guardians. If any person under 16 years of age is found stranded without his parents or guardians by persons of another faith, he should be promptly handed over to persons of his own faith. There must be no secrecy about any conversion or re-conversion.

(j) That no community should attempt to stop by force the construction of a new place of worship by a member of another community on his own land, but such new place of worship should be built at a reasonable distance from an existing place of worship of any other community.

Lala LAJPAT RAI, who was invited by the President to make preliminary remarks on resolution No 4, said that he had just returned from Europe where he did not find religious strife in such a state as it was in India. No other European country was so poor as India was to-day. He had seen the mill labourers of Bombay living in places unfit for human habitation. The poverty of India was due to their own internecine quarrels. Although they were numerically strong, they could not boast of any strength as they were still slaves. They could not boast of their spiritualism as long as they quarrelled with each other. Mahatma Gandhi preached spiritualism, and there was not a man in Europe who did not know him or respect him. The failure of non-co-operation was due to the fact that the foundation stone of the movement, namely Hindu-Moslem unity, had been shaken. They were themselves responsible for the disunion, though the third party too had accentuated such a disunion. Both the Hindus and Musalmans should boldly confess their responsibility. There was to-day a section of the Press which was spreading communal discord, but they must positively stop reading the poisonous columns of such papers. They could not speak of Asiatic federation before they could free their own country. Unless they uprooted religious strife they would not attain liberty. He was sorry to say that there was an agency in Europe which, not only through newspaper columns but also by means of pictures, the theatres, the cinema and pamphlets, was trying to put before the whole of Europe a very wrong picture of Indian life. The lower type of Indian life was presented to Europeans, and it was said these people claimed Swaraj for India. It was his opinion that the Hindus and Moslems had a mutual distrust of each other. The Hindus were afraid of a Moslem Raj and the Musalmans were equally afraid of an Hindu majority. It was the duty of the Hindus to meet Moslems in terms of equality.

Speaking of the Hindu Sangathan, he said that the Hindus were physically weak, and if there was a movement for developing their bodies it should not be looked upon with mistrust. The Hindus on their part should neither be aggressive nor provocative. There was nothing to be afraid of in Sangathan or the Moslem Tanzim movements. The present strife was a quarrel of cowards. It would be better for both parties to fight like men than disgrace their name by dastardly acts. He regretted that for the last five days they had wasted their time in discussing the mosques and temples. If he were left alone he would support the resolution that some young friend of his suggested, that no mosques and temples should be built in future. It was not the temples of the Hindus that saved India from the

Moslem invasion, nor was it the mosques of the Musalmans that saved them from European conquest. They should enthrone God in their hearts. They would never be free if their quarrels about mosques and temples were not ended. If they were to continue quarrelling, the Hindus who were confined to India would never see the gates of freedom, while the Mahomedans would only help in enslaving other Islamic countries. He had visited a part of Jazirat-ul-Arab, where he had seen that not only were Arabs being enslaved, but there it was that the links of slavery of Indian Musalmans were being tightened. They were fighting for communal representation and service, and the third party was pleased to see them breaking each others' heads. He warned the Musalmans that if they did not help India to free herself, Islam in Africa would be in great danger. It was absolutely necessary to free their country first by their own efforts. He has seen different nations and communities in other parts of the world living side by side in common brotherhood, and he hoped that similar conditions would prevail in India for ever.

#### Work of Subjects Committee

Hakim AJMAL KHAN, who was absent at the meetings of the Subjects Committee owing to ill-health, said that the work of the Subjects Committee of the Conference was fit to be included in the future history of India. Communal strife had weakened their strength and morals. Many people, while strongly condemning these quarrels, were taking part in one way or another. The first and foremost question before the Hindus and Musalmans was to attain Swaraj. The past history of those great communities was glorious, but what of the present? Asia was trying to free herself from the domination of Europe, and India was an essential part of Asia. He asked what part they had played in the awakening of Asia. The only thing they had to their credit was communal strife. He considered that the duties of Musalmans towards Hindus were great, and if Hindus did not advance towards Swaraj, it was the duty of the Musalmans to help them. So long as India did not enjoy complete freedom, Afghanistan, Persia, Egypt, Turkey and Jazirat-ul-Arab could not be made free. The Musalmans would not be doing any service to the cause of Islam if they continued to quarrel in the manner they had done in the name of religion. Religion should be put aside in these quarrels. They should not drag religion into them. They should fight against all satanic influence. Islam taught them not only to free themselves but to help their neighbours to attain freedom. He was glad that after five days' deliberation they had come to an understanding, but they must remember the mere passing of resolutions would not help them. It was a change of heart and spirit that was wanted, and which they had shown in their deliberations. They must forget all incidents of the past and prepare themselves for the attainment of Swaraj, which was their goal. He hoped that the spirit of toleration displayed in the Subjects Committee would be copied in the open Conference and outside. If there remained a few differences still unsettled they would settle them when India attained Swaraj.

The Conference adjourned till the next day.

Next day, October 2nd, the Unity Conference met at 4 p. m to consider the remaining resolutions

#### Amendments Deprecated

Pandit Motilal NEHRU, in placing before the Conference the resolutions adopted by the Subjects Committee, said that all the resolutions proposed to be moved in the Conference were passed in the Subjects Committee with the mutual consent of the members of both communities and he hoped that the resolutions would be passed in open Conference in the same spirit. He had received two amendments, one from a Hindu about the question of "arti" and another from a Musalman on the question of cow-slaughter. He would not permit these amendments to be moved, unless the majority of the community to which the movers belonged supported the amendments, but he would all the same give an opportunity to the movers to justify the necessity for the amendments. He then briefly outlined the purpose for which the Conference had met. They did not come there as representatives of different communities but as men with a following and influence in the country. Therefore, he appealed to them to go back to their homes and try to spread the spirit of the resolutions they had agreed to. He thought that without such an attempt on the part of the members the purpose of the Conference would fail. These resolutions did not cover all that had caused dissensions between the communities but they had dealt sufficiently with all important questions that stood in the way of reconciliation.

The President then separated the two communities into two different groups to find out the support which each community would give to the movers of the two amendments. He next asked Pandit Neki Ram Sarma whether he would like his amendment to be put to the vote of the members of his community. Pandit Neki Ram replied that he would leave it to the President. His idea in proposing the amendment was that there were places where "arti" and "azan" were stopped and by this amendment he desired to remove such stoppage, but since the President had ruled that he would not allow it to be moved unless supported by a majority of his community, he would abide by that decision. The amendment was eventually withdrawn.

Pandit D Sharma, Secretary of the Hindu Sabha, drew the President's attention to the fact that in some places "arti" was forcibly prevented. He did not, however, put forward any amendment.

Mr Janam Das Doulat Ram and two other gentlemen from Sind pointed out to the President that they disagreed with the wording of some of the clauses of Resolution No 4 regarding the declaration of the rights of each community, but as they did not wish to upset the arrangements agreed to they would not vote against it.

The President then explained that in case "arti" and "azan" were stopped by force or otherwise at any place, the spirit of the present resolution would set it right. He therefore found no necessity for any amendments.

Resolution No. 4, regarding the declaration of rights of the communities was then put to the vote and, with the mutual consent of both the communities, was carried unanimously.

The other resolutions (see p 154) were then passed unanimously.

### Concluding Scenes.

The concluding scenes of the Unity Conference were marked with manifestations of mutual good-will and friendship by leaders of both the communities. A number of complimentary and congratulatory speeches were made expressing gratitude for the very happy termination of what they considered the most momentous Conference in the history of India. Speaker after speaker dwelt upon the absolute necessity for Hindu-Muslim unity. Mrs Naidu, Mr. C R. Das, Maulanas Shaukat Ali and Mahomed Ali, Swami Shradhananda and Pandit Gokarnath Misra and others who spoke said that the Hindu-Muslim Unity which was the foundation stone for real Swaraj was laid there.

The President, in winding up the Conference, appealed to all members to work whole-heartedly on the agreement arrived at in the Conference. He congratulated the members once again on the mutual good-will and toleration shown at the meetings. He paid an eloquent tribute to the conveners of the Conference and the hard-worked Secretaries. Concluding, he appealed to all Indians to offer congregational prayers during the last week of M. Gandhi's fast and give full effect to the last resolution of the Conference.

### The Mahatma breaks his fast

On OCTOBER 8th M. Gandhi at last broke his fast. Just before noon he invited everyone present in the house to join him in prayer. He thanked the doctors who had attended him and then called upon the Imam Sahib Abdul Kadir Bawazir, who was associated with him in South Africa and at Sabarmati Ashram, to recite a prayer from the Quoran. The Imam Sahib chose the first 'surah' for his recitation. M. Gandhi next asked Mr. Andrews to sing the Christian hymn "When I survey the wondrous Cross", after which Mr. Vinoba recited some 'slokas' from the Upanishads, and Mr. Balkrishna sang M. Gandhi's favourite Gujarati hymn.

Addressing Hakim Ajmal Khan, Maulanas Mahomed Ali, Shaukat Ali and Abul Kalam Azad, M. Gandhi said "Hindu-Moslem unity is not a new interest with me. It has been my chief concern for 30 years, but I have not yet succeeded in achieving it. I do not know what is the will of God. You know how originally my vow consisted of two parts. One of them is fulfilled, another part I held back in response to the wishes of friends who were present at Mr. Mahomed Ali's house that night. Even if I had retained this second part, my fast would now have been broken in view of the success of the 'Unity' Conference."

Addressing the Musalmans through Hakim Ajmal Khan and Moul Mahomed Ali, M. Gandhi said "To-day I beseech you to promise that you will, if necessary, lay down your life for the sake of Hindu-Moslem unity. For me Hinduism would be meaningless if that unity is not achieved, and I make bold to say the same thing about Islam. We ought to be able to live together, the Hindus must be able to offer their worship in perfect freedom in their temples, and so should Musalmans be able to say their Azan and prayers with equal freedom in their mosques. If we cannot ensure this elemental freedom of

worship, then neither Hinduism nor Islam has any meaning. I want this promise from you, and I know I have it, but as I am about to break my fast, I am so weighed down with the sense of responsibility that I am asking you to renew the pledge"

Hakim Ajmal Khan, replying, said that he trusted that all the labours of M Gandhi would bear fruit, and that they (the Musalmans) were ready to work hand in hand with him in such a sacred cause, and to give up all other work in preference to the work of Hindu-Moslem unity. If it was necessary, he renewed the promise on behalf of his community

Moul. Abul Kalam Azad said that Hakim Ajmal Khan had given the promise on behalf of all Musalmans present. He himself had no doubt that Hindu-Moslem unity would be achieved, and achieved soon. One could do no more than lay down his life for it and that he was prepared to do

Dr Ansari then brought M Gandhi some orange juice with which he broke his fast

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## Repression in Bengal

While an atmosphere of peace and concord was thus being created by the efforts of all classes of men in India led by the almost divine energy of Mahatma Gandhi, Satan lurked behind and watchful of the trend of events suddenly dropped his bomb scattering desolation all around and rousing the bitterest hatred and anger in the hearts of men. At once the atmosphere created by the Mahatma was befogged, and by one demonic stroke the balmy sense of unity which was just beginning to glimmer after years of unholy strife was dispelled. On October 25 was promulgated a new Ordinance, a twin of the Regulation III of 1818, and Calcutta and the rest of Bengal was thrown into a wild tumult of indiscriminate arrests, house searches, raids and all the other concomitants of a Police terrorism. On that fateful day was enacted a scene at Calcutta to which nothing in the recent history of India can bear a parallel. From the dawn of the day people saw a huge army of Police patrolling the streets in the Indian quarter of the city, surrounding houses, entering them in large bodies, and conducting searches simultaneously for hours together and then taking into custody men noted for their virile public activity and noble self-sacrifice in the cause of the country. By no stretch of imagination could the men arrested be connected with any crime. The raids began at about 2 o'clock in the morning and lasted the whole day. Some 60 houses were raided, mainly the Congress offices, the offices of the Bengal Swarajya Party, the Satyagraha office, and the houses of prominent Swarajists. Mr S C Bose, the Chief Executive officer of the Calcutta Corporation and the right-hand man of Mr C. R. Das, Messrs Satyendra Ch Mitter and Anil Baran Roy, Swarajist Members of the Bengal Council and Secretaries of the Swarajist party, and some 40 others, including many prominent members of the Swarajist party, were arrested on this one day in Calcutta. The warrants for the searches were to the effect that they were to be conducted in view of the information received for the recovery, if possible, of revolvers, bombs, explosives and other ingredients necessary for the preparation of explosive substances. In the raids, however, no revolvers, bombs or explosives were captured. But the police carried away all documents and books belonging to the Swarajya party and also even Corporation Files from the house of Mr S C Bose.

The same day simultaneous raids were made at many mofussil stations of Bengal and a large number of national workers, mainly of the Swarajya party were spirited away. At Howrah, Noakhali, Barisal, Dacca, Pabna, Comilla, Tarakeswar, Hughli, Narayanganj, Chandpur, Faridpur, Chittagong and other places quite an untold number of houses were raided, but nowhere could the police find a single "revolver, arms or explosives" for which ostensibly the searches were made. No charges were made, no accusations delivered, and the great army of Swarajist leaders all over Bengal were simply taken away under the new Ordinance and Regulation III to unknown places of detention and incarceration. 72 persons were thus taken away within the week and some 35 more were added to the list with a month.

The notorious Ordinance and the Govt. notifications are given in the following pages.

**Government of India Home Department (Political)***Simla, the 25th October, 1924***NOTIFICATION**

No 3334—The following statement is published for general information —

A statement by his Excellency the Governor-General of the reasons which have moved him, in exercise of the powers conferred upon him by section 72 of the Government of India Act, to make and promulgate an Ordinance to supplement the ordinary criminal law in Bengal, under the title of the Bengal Criminal Law Amendment Ordinance, 1924

J CRFRAR,

*Secretary to the Government of India*

**STATEMENT**

1 It is a matter of common knowledge that a revolutionary conspiracy existed during the years 1912-1917, which has left the most poignant memories of the misery and terror it created throughout Bengal. All other methods of dealing with this conspiracy having been tried without avail, it was not suppressed until its leaders were confined under the provisions of Regulation III of 1818, and many of its subordinate members dealt with under the Defence of India Act. After the Royal Proclamation of 1919, most of these persons were released. Many forsook their connection with revolutionary crime and have not since returned to it. To the remainder, who have since showed themselves to be irreconcilable, the amnesty was, after the institution of the reformed system of government, gradually extended, in the hope that under a new political era they would recognise the duties and the advantages of good citizenship. This hope has not been realised. The majority of these still retained their faith in the efficacy of violence and assassination as political weapons. They speedily returned to their old methods and reorganised their old associations, taking care only to avoid the mistakes to which they attributed their previous failure. During the years 1920 to 1922 they carried on their activities under the cloak of the political movements then in progress, recruiting their followers and perfecting their organisation with a view to future action when opportunity offered.

2 Towards the end of 1922 the leaders of these conspiracies, believing that their objects would not be attained by the methods of the non-co-operation movement, decided to revert to methods of violence. The two main terrorist organisations had now been resuscitated, new members in large numbers were recruited, arms and ammunition, partly of a kind which cannot be obtained in India, and must therefore have been smuggled from abroad, were collected, a new and highly dangerous type of bomb was manufactured, and projects of assassination against certain police officers and other persons were devised. The movements of these officers and their residences were watched and those who watched, being themselves placed under observation, were traced to places known to be haunts of the conspirators.

3 During the year 1923, a series of outrages was perpetrated, including a dacoity with double murder at Kona near Howrah and the looting of the Ultadangi Post Office in May, a robbery with murder in July, the Sankartolla murder and others which I need not specify. In January of the present year Mr Day was murdered in Calcutta and an attempt was made to murder Mr Bruce in April, in both cases as it appears in mistake for a prominent and distinguished Police official. In March a bomb factory was discovered, and other activities directed to the manufacture of bombs and the illicit collection of arms were detected. It is known that other crimes were planned and that projects of assassination continued and still continue to be devised. I say nothing of other deplorable events which are not under judicial investigation. Evidence has been placed before me which shows to my satisfaction that the movement is deep-seated and dangerous. It is impossible for obvious reasons to divulge much of the information available to Government but it confirms in every respect the view I have been forced to accept.

4 Though the situation during 1923 was grave, I was reluctant to invoke the powers conferred upon me by the Government of India Act, until I was fully persuaded that all other means for dealing with the emergency had been exhausted. My Government accordingly authorised the confinement of certain leaders of the criminal associations under the provisions of Regulation III of 1818. The movement was temporarily checked, but new leaders were found and operations were resumed, as is apparent from the dark record of crime in the present year. I have therefore come to the conclusion, after the fullest consultation with the Local Government, that it is necessary to arm the Government of Bengal with special powers to deal with preparations for crime, with the object of protecting not only the officers of Government, whose lives are threatened, but equally private citizens, who have frequently been the innocent sufferers from such outrages, and the misguided youths who are its tools and often themselves its victims. I am convinced that preparations and plans for criminal outrages are now so dangerously developed that it is necessary to provide immediate safeguards by an Ordinance. Permanent measures to remedy the situation will in due course be presented by the Local Government.

5 The Ordinance is directed solely to these ends and will in no way touch or affect the interests or liberties of any citizens, whether engaged in private or public affairs, so long as they do not connect themselves with violent criminal methods. The fundamental duty of Government is to preserve public security on which political advance and all the functions of a civilised social organism depend and as it is manifest that sound and permanent political progress cannot be accelerated by violence or threat of violence, so also I deem it my duty and the duty of my Government to see that no violence or threat of violence shall operate to retard it. I and my Government will therefore proceed as we are doing along the line of political development laid down in the declared policy of Parliament reaffirmed by His Majesty's Government. Acting with these objects and intentions, I believe myself and my Government to be entitled to the support and co-operation of all those who have truly at heart the peace, the prosperity and the political future of India.

READING,

*Viceroy and Governor-General*

*The 25th October 1924*

### ORDINANCE NO 1 OF 1924

#### AN ORDINANCE TO SUPPLEMENT THE ORDINARY CRIMINAL LAW IN BENGAL

Whereas an emergency has arisen which makes it necessary to supplement the ordinary criminal law in Bengal,

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance—

#### SHORT TITLE AND EXTENT

1 (1) This Ordinance may be called the Bengal Criminal Law Amendment Ordinance 1924

(2) It extends to the whole of Bengal

#### DEFINITION

2 In this Ordinance unless there is anything repugnant in the subject of context, "the Code" means the Code of Criminal Procedure (V of 1898)

#### POWER OF LOCAL GOVERNMENT TO DIRECT TRIAL BY COMMISSIONERS IN CERTAIN CASES

3 (1) The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Ordinance

(2) Orders under sub-section (1) may be made in respect of persons accused of any offence specified in the First Schedule or in respect of any

- class of person so accused, or in respect of persons or classes of persons accused of any such offence or of any class of such offences.
- (3) No order under sub-section (1) shall be made in respect of, or be deemed to include any person who has been committed under the Code for trial before a High Court, but save as aforesaid, an order under that subsection may be made in respect of or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Ordinance

#### APPOINTMENT AND QUALIFICATION OF COMMISSIONERS

- 4 (1) Commissioners for the trial of persons under this Ordinance shall be appointed by the Local Government
- (2) Such Commissioners may be appointed for the whole of Bengal or for any part thereof, or for the trial of any particular accused person or class of accused persons
- (3) All trials under this Ordinance shall be held by three Commissioners of whom at least two shall be persons who are serving, and have for a period of not less than three years served as Sessions Judge or Additional Session Judge, or are persons qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judge of a High Court

#### PROCEDURE OF COMMISSIONERS

- 5 (1) Commissioners appointed under this Ordinance may take cognizance of offences without the accused being committed to them for trial, and in trying accused persons shall record evidence in the manner prescribed in section 356 of the Code and shall in other respects also subject to this Ordinance and to any rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates

Provided that such Commissioners shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice

- (2) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail

#### POWERS OF COMMISSIONERS

- 6 (1) The Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted

- (2) If in any trial under this Ordinance it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof

#### APPLICATION OF CODE OF CRIMINAL PROCEDURE 1893, TO PROCEEDINGS OF COMMISSIONERS

- 7 The provisions of the Code so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by, or under, this Ordinance shall apply to the proceedings of Commissioners appointed under this Ordinance and such Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction

#### TENDER OF PARDON

- 8 (1) Commissioners trying an offence under this Ordinance may with a view to obtaining the evidence of any person supposed to have been directly concerned in or privy to the offence tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof

- (2) Where in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (1) of section 3 a pardon

- has before the passing of such order been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-sections (2) and (3) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners
- (3) For the purposes of sections 339 and 339A of the Code, pardons tendered under sub-section (1) and sub-section (2) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code

#### APPEALS AND CONFIRMATION

- 9 (1) Any person convicted on a trial held by Commissioners under this Ordinance may appeal to the High Court, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code
- (2) When the Commissioners pass sentence of death the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court

#### SPECIAL RULE OF EVIDENCE

10 Notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872) when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Ordinance, if such person is dead or cannot be found, or is incapable of giving evidence and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused

11 The Local Government may by notification in the local official Gazette, make rules consistent with this Ordinance to provide for all or any of the following matters, namely,—

- (i) The times and places at which Commissioners appointed under this Ordinance may sit
- (ii) The procedure of such Commissioners, including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person,
- (iii) The manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions,
- (iv) The execution of sentences passed by such Commissioners
- (v) The temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners, and
- (vi) Any matter which appears to the Local Government to be necessary for carrying into effect the provisions of this Ordinance relating or ancillary to trials before Commissioners

#### POWERS OF LOCAL GOVERNMENT TO DEAL WITH CERTAIN SUSPECTS

12 (1) Where in the opinion of the Local Government, there are reasonable grounds for believing that any person—

- (i) has acted, is acting, or is about to act in contravention of the provisions of the Indian Arms Act, XI of 1878, or of the Explosive Substances Act, 1908, or
- (ii) has committed, is committing or is about to commit any offence specified in the Second Schedule, or
- (iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice

The Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member of any association of which the objects or methods include the doing of any of such acts, or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that such person—

- (a) shall notify his residence and any change of residence to such authority as may be specified in the order,

- (b) shall report himself to the police in such manner and at such periods as may be so specified,
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified,
- (d) shall reside or remain in any area in British India so specified
- (e) shall not enter, reside in or remain in area specified in such order
- (f) shall be committed to custody in any jail

Provided that the Local Government shall not in an order under clause (d) or clause (f) specify an area or a jail outside Bengal without the previous sanction of the Governor-General in Council

- (2) The Local Government in its order under sub-section (1) may direct—
  - (a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer, or other officer of Government, to whom the order may be directed or endorsed by or under the general or special authority of the Local Government,
  - (b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1)

#### SERVICE OF ORDERS UNDER SECTION 12

13 An order made under sub-section (1) of section 12 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of a summons, and upon such service such person shall be deemed to have had due notice thereof

#### POWERS TO ARREST WITHOUT WARRANT

14 (1) Any officers of Government authorised in this behalf by general or special order of the Local Government, may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12

- (2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 12

- (3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Government and, pending receipt of the orders of the Local Government may, by order in writing, commit any person so arrested to such custody as the Local Government may, by general or special order, specify in this behalf

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month

#### ENFORCEMENT OF ORDERS

15 The Local Government and every officer of Government to whom any copy of any order made under section 12 has been directed or endorsed by or under the general or special authority of the Local Government, and every officer exercising the powers conferred by section 14, may use any and every means necessary to enforce the same

#### PENALTY FOR BREACH OF ORDER UNDER SECTION 12

16 Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 12, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

POWER OF PHOTOGRAPHING, ETC, PERSONS IN RESPECT OF WHOM  
ORDER HAS BEEN MADE UNDER SECTION 12

17 (1) Every person in respect of whom an order has been made under sub-section (1) of section 12 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government,—

- (a) permit himself to be photographed,
- (b) allow his finger impressions to be taken,
- (c) furnish such officer with specimens of his handwriting and signature,
- (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both

POWER OF SEARCH

18 The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being, or is about to be committed, and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe is being used or intended to be used for the commission of any such offence, and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search, and an order for search issued by the Local Government under sub-section (2) of section 12 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section

SCRUTINY OF CASE BY TWO JUDGES

19 (1) Within one month from the date of the issue of an order by the Local Government under sub-section (1) of section 12, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any materials relating to the case which may have subsequently come into its possession and a statement of the allegations against the person in respect of whom the order has been made and his answer to them, if furnished by him, and the said Judges shall consider the said material facts and circumstances, and the allegations and answers, and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order

(2) On receipt of the said report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 12 to appear or to act by pleader in any matter connected with the reference to the said Judges and the proceedings and report of the said Judges shall be confidential

VISITING COMMITTEES

20 (1) The Local Government shall by order in writing appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Ordinance, and shall by rules prescribe the functions which these Committees shall exercise

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 12,

- (3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act shall be deemed to be under restraint for the purpose of sub-section (2)

#### ALLOWANCES TO PERSONS UNDER RESTRAINT AND THEIR DEPENDANTS

21 The Local Government shall make to every person who is placed under restraint by reason of an order made under sub-section (1) of section 12 a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants and shall also make to his family if any, and to such of his near relatives if any, as are in the opinion of the Local Government dependent on him for support an allowance for the supply of their wants according to their rank in life

Explanation—In this section the expression “under restraint” has the same meaning as in section 20

#### RULE MAKING POWER OF LOCAL GOVERNMENT

22 The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 12 and for the intermediate custody of persons arrested under this Ordinance

#### PUBLICATION OF RULES

23 All rules made under this Ordinance shall be published in the local official Gazette, and on such publication, shall have effect as if enacted in this Ordinance

#### BAR OF SUITS, PROSECUTIONS AND OTHER LEGAL PROCEEDINGS

24 (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance

- (2) Nothing in section 491 of the Code shall apply to any person in respect of whom an order has been made under section 3 or section 12 or who has been arrested under section 14

#### THE FIRST SCHEDULE

(See section 3, etc)

Any of the following offences if in the opinion of the Local Government there are reasonable grounds for believing that such offence has been committed by a member or a person controlled or instigated by a member of any association of which the objects or methods include the commission of any of such offences namely—

- (a) any offence under any of the following sections of the Indian Penal Code namely sections 148, 382, 394, 326, 327, 329, 332, 333, 385, 383, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460, and 500
- (b) Any offence under the Explosive Substances Act 1908
- (c) Any offence under the Indian Arms Act 1878,
- (d) Any attempt or conspiracy to commit, or any abetment of, any of the above offences

#### THE SECOND SCHEDULE

(See section 12)

1 Any offence under any of the following sections of the Indian Penal Code, namely sections 148, 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457 and 506

2 Any attempt or conspiracy to commit, or any abetment of any of the above offences

READING,

*Viceroy and Governor-General.*

*The 25th October 1924.*



REPRESSION IN BENGAL  
GOVERNMENT OF BENGAL  
Political Department

[CALCUTTA]

## NOTIFICATION

No 10567 P.—The 25th October 1924—The following is published for general information —

The Governor in Council proposes to summon a meeting of the Legislative Council at an early date to consider measures of local legislation enacting the provisions of the Ordinance in so far as they are *intra vires* of the local legislature

A N MOBERLY,

*Chief Secretary to the Government of Bengal*

## NOTIFICATION

No 10568 P.—The 25th October 1924—In exercise of the powers conferred by sub-section (1) of section 14 of the Bengal Criminal Law Amendment Ordinance, 1924, the Governor in Council is pleased to authorise each of the following officers of the Government of Bengal, 'ex-officio' to arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12 of the said Ordinance, namely —

- (1) All Magistrates of the first class, and
- (2) All Police Officers above the rank of Sub-Inspector

II The Governor in Council is also pleased, in exercise of the power conferred by sub-section (3) of section 14, to specify the following as the custody to which any such officer may, pending receipt of the orders of the Local Government, commit any person arrested under the said section, namely, —

- (1) In the case of persons arrested in any area subject under the provisions of any Act to the jurisdiction of the Commissioner of Police, Calcutta —The Presidency Jail, Calcutta

2 In the case of persons arrested in any other area—The District Jail in such area

A. N. MOBERLY,

*Chief Secretary to the Government of Bengal*

## NOTIFICATION,

No 10569 P.—The 25th October 1924—In exercise of the powers conferred by section 22 of the Bengal Criminal Law Amendment Ordinance, 1924, the Governor in Council is pleased to make the following rules —

## RULES

1 All persons committed to custody by an order made under sub-section (3) of section 14 of the Bengal Criminal Law Amendment Ordinance, 1924, shall, for the duration of such custody, be subject to jail discipline in all respects as if they were undertrial prisoners committed to custody under the provisions of the Code

2 The Local Government may transfer any of the persons referred to in rule 1 from one custody to another. Such transfer shall be made by written order addressed to the authority in which custody the prisoner for the time being is, and to the authority to whose custody he is for the time being transferred

A N MOBERLY

*Chief Secretary to the Government of Bengal*

### The Resolution.

No 10850 P—The 25th October, 1924

The Governor in Council desires to take the earliest opportunity of explaining as far as is possible at the present stage, the reasons which have led him to ask the Governor-General to promulgate an Ordinance to supplement the ordinary criminal law in Bengal

It is a matter of common knowledge that a revolutionary conspiracy existed during the years 1908 to 1917. The revolutionaries themselves no longer attempt to conceal the fact and have described the movement in books and in articles in the public Press. The object of that conspiracy was to overturn by violent means the Government established by law in India. The leaders sought to achieve this object by the spread of revolutionary ideas and the collection of arms, with a view to rising in rebellion when the time was ripe. The means adopted were the preaching of race hatred and of revolution as a religious duty and the organisation of disciplined secret societies. Funds for this purpose were obtained by robberies with violence, and immunity for the criminals was sought by intimidation. Everyone who hampered the movement or contributed to the punishment of the criminals was threatened with assassination, many Government officials were actually murdered, and a reign of terror was gradually established in Bengal. All ordinary methods of dealing with crime failed to check the movement, the leaders have freely boasted in the books they have since written of the powerlessness of Government to deal with their conspiracy by means of the ordinary law and Bengal was only rescued in the end from the tyranny of this band of murderers by the use of Regulation III of 1818 and the powers which the Government obtained under the Defence of India Act. The conspiracy was effectively crushed by these means and, if the powers had been retained by Government, it could never have been revived.

After the Royal Proclamation of 1919, all persons who were still interned were released. Many of those who were dealt with under the defence of India Act subsequently abandoned the idea of violent revolution. The amnesty was gradually extended to the comparatively small group of irreconcilables, the leaders of the movement, who had been detained in jail. It was hoped that the opportunities for political advance offered by the Reforms would change their attitude towards Government but these hopes have not been realised. These men still believe that none but violent means can accomplish their object, and they are convinced that the fact that any concession was made at all was solely due to fear caused by their terrorist movement. As soon as they were released they began to reorganise their societies and to work secretly on the old lines, though they took advantage of the experience which they had gained to avoid the mistakes to which they attributed their previous failure. Two facts may be noticed at this point. The first is that the revival of the terrorist conspiracy was encouraged by the belief that Government could no longer deal with it effectively. The second is that though from the very nature of the conspiracy with which they are confronted the Government are unable to take the public as fully into their confidence as they would wish regarding its existence and its intentions, since secret organisations which employ the weapons of assassination and terrorism have necessarily to be dealt with by secret methods, yet they have throughout had information, which has been tested and provided reliable, of the movements and activities of the leaders of the terrorist party and are now satisfied that it would be highly dangerous to allow the movement to remain unchecked any longer.

The terrorist leaders who had constantly preached violence as the only road to independence naturally had no faith in non-violent non-co-operation. They realised, however, that the policy of non-violence had been generally accepted and during the years 1920 and 1921 they were content to stand by and watch events whilst using any form of organisation in order to extend their influence with a view to future action. Later, endeavours were made to organise Asrams on lines similar to those which played so important a part in former movements. Leading members of the two main organisations have been very active in propaganda work and in recruiting new members particularly from the student class. Every cause of unrest was exploited and every centre of agitation

utilised for the dissemination of terrorism and the capture of new recruits. Recent events at Tarakeswar, which attracted from all parts of Bengal impressionable youths in a high state of excitement, afford the latest example of how an agitation wholly unconnected with the terrorist movement was utilised by the leaders of that movement to swell their numbers.

The conspirators are also known to have manufactured a new and highly dangerous type of bomb and to have secured considerable quantities of arms and ammunition. These weapons have been used in some of the outrages which have occurred during the past two years, and it is significant that the ammunition used on several occasions was of a foreign make which cannot be obtained lawfully in India.

The events of the last two years may be dealt with in greater detail. In May 1923 one section of the terrorist party, which had recently been conspiring to assassinate Police officers, especially Mr Tegart who had recently returned to India as Commissioner of Police, embarked upon a campaign of dacoity and murder, partly in order to secure funds, but partly also in order to accustom their men to violent action and to terrorise any who might be inclined to oppose them. They first committed a dacoity with double murder at Kona near Howrah, in the same month the Ultadanga post office was looted. The same gang committed the robbery with murder at Garpar Road on the 30th July in which firearms were again used. The murder of the Sankaritola post-master followed. The investigations into this case resulted in full corroboration of the information already in the possession of Government and proved conclusively that these outrages were all the work of a particular group of the party.

Seven members of this group were put on trial in the Alipore conspiracy case, but many of the facts in the possession of Government could not be placed before the Court and they were eventually acquitted. Some of the accused who had not previously admitted their guilt stated subsequently that they had taken part in these outrages and that the immediate object of the conspiracy was the assassination of police officers—a conspiracy which was continued even whilst they were in jail as under-trial prisoners.

The situation after these outrages had been committed was serious. The lives of the officers of Government were in imminent danger and it was clear that unless immediate action was taken, terrorism and crime would spread and Bengal would be again exposed to the dangers and horrors of the previous outbreak of violent revolutionary crime. Several of the chief leaders were accordingly incarcerated under Regulation III of 1818. This action came as a surprise and checked the movement for the time being, but not for long. New leaders were found and operations were resumed. In December, a robbery of Rs. 17,000 the property of the Assam-Bengal Railway, was committed at Chittagong by four 'bhadralok' youths armed with revolvers. Subsequent police investigations showed that certain 'bhadralok' youths were hiding in suspicious circumstances in a house in a village at some distance from Chittagong. The search of this house ten days after the robbery led to the discovery of a number of weapons and ammunition which included cartridges of the foreign type mentioned above. The attempt to arrest the occupants of the house led to running fight between them and a body of police and villagers and to the arrest of two youths with fire-arms in their possession. An attempt was made to decoy from his house one of the chief witnesses in the robbery case with the 'obvious intention of murdering him, and on the next evening a Sub-Inspector who had arrested one of the accused in this case and knew the other members of the gang by sight was shot at Chittagong.

It has been mentioned above that the assassination of certain police officers had long been contemplated by the terrorist party and that some of the persons who were acquitted in the Alipore conspiracy case stated that this was the immediate object of the conspiracy. In the early part of 1923 persons were found to be watching the movements of these officers and their residences. These watchers were themselves placed under observation and traced to places which were known to be haunts of the conspirators.

In January 1924 Mr Day was murdered in Calcutta by Gopi Mohan Saha in

mistake for Mr Tegart, and in April Mr Brouce was fired at in Harrison Road in circumstances which suggest that this was a similar case of mistaken identity. The ammunition used in the murder of Mr Day and in the Chittagong murder was also of the foreign type already referred to.

In March, a bomb factory was discovered in Calcutta fully equipped with explosives, and implements for loading and fitting bomb-shells of which a number both loaded and unloaded, were found. This discovery showed not only the existence of an efficient organisation but also a high degree of scientific knowledge, since the bombs used marked a distinct advance on anything which had previously come to light, being modelled on the Mills bomb and loaded with ammonium picrate. Police investigation into this case led to the discovery of one of the Mauser pistols stolen from Messrs Rodda and Co., in 1914 and also a revolver and ammunition. About the same time a young 'bhadralok' was severely injured whilst handling explosives at Fandpur. In May three youths were seen to reconnoitre a building occupied by police officers in circumstances which pointed strongly to an intention to throw a bomb. In July a well-known member of the party was arrested in the streets of Calcutta with a fully loaded revolver in his possession for which offence he was convicted by the Chief Presidency Magistrate.

At the end of July, the public were startled by the appearance of the "Red Bengal" leaflets, the first issue of which announced the initiation of a campaign of assassination of police officers, and warned the public that any one interfering would meet the same fate. The second issue, which appeared shortly afterwards, impressed on the political leaders of Bengal the necessity for the existence of an active violence party and indicated that this party had come to stay. Government are now in a position definitely to state that these leaflets were printed in Calcutta and were issued by a certain section of this party of violence. Terrorist literature of this type, so familiar in the campaign of 1914-18, exercises a most baneful effect on the minds of the student community, while the publication and wide distribution to carefully selected persons simultaneously throughout the province is indicative by itself of the existence of a widespread organisation behind it. Among a large number of persons to whom the leaflets were sent were a Magistrate who held the identification parade in the Alipore conspiracy case, a witness in the case against Gopi Mohun Saha, and the Judge who tried and the Standing Counsel who prosecuted in the bomb case.

On the night of the 22nd of August a bomb of the same type as those referred to above was hurled into a khaddar shop at 25, Mirzapur Street, Calcutta. The bomb exploded and killed on the spot one man in the shop and severely wounded another. The third occupant of the shop, Sisir Kumar Ghosh, who was dealt with under Regulation 111 of 1918 in connection with the revolutionary campaign of 1914-18, jumped out of the shop in pursuit of an individual who, he stated, actually threw the bomb. This man, Basanta Kumar Dhenki, was captured. Another arrest was also made on the spot at the time of a youth named Santi Lal Chakrabarti. They were both placed on their trial at the last High Court Sessions. Santi Lal was unanimously acquitted by the verdict of the jury and was discharged. Basanta Kumar Dhenki, who was found not guilty by a divided verdict of 7 to 2 and 8 to 1 on two different charges, was remanded in custody for retrial by the presiding Judge who disagreed with the verdict of the jury. Santi Lal was released from the Sessions Court on the 29th of September. His dead body was found shockingly mutilated between Dum Dum and Belgharia on the early morning of the 3rd October.

The above is a very brief outline of the outward manifestation of the existence of a violent conspiracy as disclosed by overt acts which are already public property, but apart from these specific cases, Government are in possession of information, which has come from various sources and from different parts of the province, which shows that during the course of the current year the conspirators have, in addition, attempted to assassinate police officers, high Government officials, and members of their own organisations whom they suspect of giving information to the authorities. No less than five such attempts are known to have been made during and subsequent to July last. The fact that the intended victims escaped death at the hands of miscreants who set forth armed with bombs and pistols to murder them can only be attributed to Provi-

dence In some cases the assassins suspected police vigilance, in others they were thwarted by the unexpected movements of their intended victims It is impossible in view of the confidential nature of this information to make public precise details of these particular plots, but the information regarding them is being continually confirmed by subsequent events and from other sources

A brief reference may here be made to the campaign in the Press and on public platforms, which has proved so effective an agency in assisting the party to perfect their organisation and increase their numbers This campaign started in 1922 and has grown in intensity The eulogy of old revolutionaries, the idealising of youths who committed murders and other crimes, and the publication of their biographies, have all been resorted to with the obvious intention of inciting the youth of Bengal to follow their example Articles still appear daily in the Indian Press fomenting racial hatred and verging as near to incitements to violence as the law admits

As the foregoing facts show the situation has become increasingly serious during the past two years In June last the terrorist campaign was given a great impetus by the resolution of the Bengal Provincial Conference which expressed admiration for the spirit of self-sacrifice exhibited by Gopi Mohon Saha The effects of the resolution were electrical, it is by far the most potent recruiting instrument which has ever been placed in the hands of the organisers of violent crime and has been a continual incitement to the youth of Bengal to take to violent ways

At present, then, there is in Bengal a large criminal association secretly organised and equipped for a campaign, the immediate object of which is to paralyse Government by the assassination of their officers The existence of this association is now admitted in all quarters and its magnitude was strikingly emphasised by Mr C R Das in a recent interview with the Press It is daily increasing in strength and, as in the years before 1915, ordinary measures have failed to check it The situation has become so serious that the Governor in Council is forced to ask that he may be armed with the extraordinary powers which will alone enable him to deal with it effectively He has therefore decided to summon the Legislative Council without delay to consider measures of legislation which will be placed before it to that end This legislation will follow the lines of the Defence of India Act and Rules which proved effective in crushing the conspiracy of 1914-18 which had the same aims, the same methods and largely the same leaders as the conspiracy of today It was the unanimous opinion of all who examined the question that it is impossible to deal with terrorist crime under the ordinary law or through the ordinary Courts, and that the powers given by the Defence of India Act and Rules proved an effective weapon, whilst no other powers have ever been suggested as really effective Regulation III of 1818 is not well adapted to deal with the situation, it can be used to deal with irreconcilable leaders, but is unnecessarily harsh for dealing with the rank and file of the conspiracy, among whom are men who may become leaders, potential assassins and recruits, who must be dealt with if the movement is to be checked but cannot be dealt with by the milder method of internment Had Government possessed those powers earlier, they would have used them against the murderers of the Sankaritol postmaster and Mr Day, both of whom were known before the murders were committed as recent recruits of the conspiracy, and would thus not only have averted the outrages but prevented these youths from becoming active criminals The legislation will further provide for a special procedure for trying persons accused of violent crime Terrorism of witnesses and juries, failure of juries through fear to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King's evidence, the fear of witnesses to disclose facts within their knowledge, all combine to render justice unobtainable under the existing law These have already operated in more than one recent case

The legislation will not give Government any extraordinary powers to deal with sedition, with industrial movements or with communal disturbances, even though they may menace the maintenance of order, cases of this kind will be left to the ordinary Courts It is aimed solely at the secret criminal conspiracy, which has terrorism as its object or method The Governor in Council is convinc-

that the large majority of members view terrorist conspiracy with the same abhorrence as he himself

The necessity for dealing with this terrorist movement swiftly and effectively so as to ensure the arrest of the most dangerous conspirators without giving them warnings which enable them to carry on and direct the conspiracy whilst in hiding, has compelled the Governor in Council to ask the Governor-General to promulgate an ordinance on the lines which the Bill will follow

The Governor in Council regrets that he has been forced by circumstances to have recourse to these extraordinary measures, which are repugnant to him, but in the situation with which he was confronted he had no alternative. All political parties in India have condemned violence as a means of political advance and the Government look to every true well-wisher of his country to support them in every measure necessary to suppress anarchy and terrorism. The evils attendant on the former conspiracy the misery that was caused uselessly the contamination of youth that resulted, are fresh in their memory and Government feel assured that the people of Bengal can regard with nothing but horror the possibility of a recurrence of similar calamities

### The Secretary of State's Part

The part taken by Lord Olivier in this business of the Ordinance was singular. A cable appeared early in October referring to an urgent Cabinet meeting at which the Indian situation was said to have been specially discussed. The India Office then issued a communique putting a gloss over it and successfully misled the public into thinking that nothing special had occurred. It ran as follows —

"A statement 'from An anglo-Indian correspondent' with regard to Indian affairs is published in to-day's issue of one of the London morning papers

"The report recited in the second paragraph of that statement that 'the Secretary of State for India gave a special report on the Indian situation, at the express request of the Viceroy, at the first Cabinet meeting held on Mr MacDonald's return to London,' is untrue

"With regard to the next following paragraph, it is not the fact that there is any divergence of view between His Majesty's Government on any question affecting the maintenance of the Constitution

"With reference to the last three paragraph of the statement, it may be pointed out — (1) That the Prime Minister has uttered, and the Secretary of State for India in the House of Lords has on two occasions repeated, the plainest possible warning as to the uncompromising attitude of His Majesty's Government towards threats of revolutionary violence (2) That no request for information as to the Government's Indian policy has been refused. The representation that urgent requests for information met with no response is not justifiable (3) That there is not, and has not been, any disagreement on policy as between His Majesty's Government and the Government of India, in regard to any question of immediate practical moment"

It will be clear from the above that the India Office did not then categorically deny that the Secretary of State had agreed to repressive measures, but had guarded himself in the last paragraph against the developments that would follow from the policy that had been sanctioned by the general statement in (1) that "the plainest possible warning had been given of the uncompromising attitude of His Majesty's Government towards threats of revolutionary violence". And then on the 27th October the following communique was issued —

"The India Office memorandum with regard to the Bengal Criminal Law Amendment Ordinance emphasises that the Ordinance is not aimed at the Swarajist movement or any legitimate activities of members of that movement. It does not affect the lawful interests and activities of any citizen as long as he does not associate himself with the promotion of crimes and violence. The Government is determined to preserve from such crime that public security on which political progress depends, and intends to proceed along the lines of political

development laid down by Parliament and repeatedly reaffirmed by His Majesty's Government. The Ordinance does not create any new offence, but is directed towards a more speedy punishment of offenders and more effective prevention of acts already defined as crimes under the 'ordinary law'."

It seems to be clear from the above that the Labour Government far from being stampeded into this repressive policy had all along lent their fullest support by anticipation, if not actually, to all the measures that were proposed in the name of suppressing the so called revolutionary crime without the smallest concern as to whether the particular measures proposed were really calculated to effect the purpose or would in actual operation enable the Government to use for putting down the Swarajists under the very sweeping powers conferred on the executive

### All-India Protest

It is impossible here to chronicle in any detail the great wave of angry protest that swept from one end of India to the other against this atrocious piece of bureaucratic arrogance. Inspired as it was mainly by the malicious misrepresentation of the European press in India and by the die-hard Tories in England, the British press was jubilant that at last the Labour Government had been dragged into following the old tradition of the "mailed first" in India. The whole European community in India at last felt relieved that their advocacy of "strong action" was being acted upon. But amongst Indians there was no party which did not condemn this perversion of law simply to break the Swarajists, for all assurances notwithstanding, it was understood on all hands that it was not the revolutionaries that Government aimed at but the Swarajists who were, by the extreme use of the constitution, breaking up Government after Government in the provinces, and holding up to ridicule the worthlessness of the Reformed constitution. Thousands of protest meetings were held all over the country, as in the days of the infamous Rowlatt Act, and resolutions were passed condemning the Ordinance. Men like the Rt Hon Mr Sastri, Mr Jinnah, Sir P C Roy, Sir Nilratan Sirkar and others wholly opposed to the Swarajists were unanimous in condemning it.

On October 29th a special meeting of the Calcutta Corporation was held to pass a vote of confidence on its Chief Executive Officer, Mr Subhas Chandra Bose. Mr C R Das, the Mayor, made an important pronouncement on the subject. His eloquence rose when he said "Every honest man in this country is bound to say, I love my country, I love my freedom. I will have the right, the birth-right to manage my own affairs. If that is a crime, I plead guilty to that charge. If that is a crime, I am willing to be hanged for that rather than to shirk the duty which I feel to be the only duty of every Indian of the present day."

He further said "If a bomb was thrown anywhere or a pistol is fired we are accustomed to cry out it is a dastardly outrage. We cry out this is a dastardly outrage because we feel it is a dastardly outrage. But the time has come now to condemn not only the violence of the people who are addicted to violent methods, but also the violence of the Government. (Hear, hear) This is a clear illustration of what I consider to be violence on the part of the Government. They have passed a law which is a lawless law. It is something which is put forward under cover of law which is not law, which offends against every principle of justice, which is a negation of justice and therefore a negation of law. (Cheers) We protest against this Act because it is destructive of the fundamental rights of man. (Hear, hear) To be taken and kept in custody for an indefinite period of time without being told what evidence there is and without being brought to justice according to the law of the land (shame, shame) is a denial of the primary rights of humanity. (Hear, hear) This is a lawless law. Laws such as these were enacted in England in the days of the Stuart tyranny and I am sorry to say that the Government of India to-day is not able to govern this land except by the use of violence."

"I really do not think that when a revolutionary, in the enthusiasm of his heart, fires a pistol or throws a bomb he is guilty of more violence than what

the Government is doing today (Cries of hear, hear) Violence begets violence. It is because of these acts of violence from the year 1907 down to the present day, the acts of the legislative violence, that I say—and I repeat it again—that revolutionary crimes have increased. The Government has honoured me by quoting me in support of their action, but what I said does not support them in their action. I said and I say it to-day that there is a revolutionary party in this country. I said so in 1917. Let me read a passage from the same speech. "We feel it is our bounden duty to raise our voice of protest against this Act. The object ascribed is wrong. What is the real object? They say there is a vast conspiracy in the country. My answer is I admit it. I know and believe and I am sure of it, as sure as I am standing here to-night that there is a revolutionary party in Bengal. By what then—do you think that you will be able to suppress that revolutionary party in this way? Has revolution ever been checked by unjust legislation? Give me one instance from history where the Government has succeeded in putting down revolutionary movements by oppressive legislation. I admit that the thing is an evil. I admit that the activity of the revolutionary party is an evil in this country which has to be eradicated, but what is the duty of the Government? Is it not their duty to take such step as will effectually eradicate it? (Hear, hear) Does the Government really believe that the revolutionary party wants any other foreign power in this country? (Cries of no, no) I venture to think that they do not. If not, what do they want? Has the Government ever enquired into the causes which led to that revolutionary movement from 1905? We have been hearing of it up to now. Repressive measure after repressive measure has been passed (Cries of shame, shame), but has any attempt of any kind whatsoever been made to discover the real causes of this revolutionary movement? (Cries of no, no) I may tell you, as I have told many of those in authority, that I know more about these people than probably anybody else in this hall. I have defended so many of these cases that I know the psychology of their mind. I know the cause of these revolutionary movement is nothing but hunger for freedom (Hear, hear). Within the last 150 years, what have you done to make the people of this country free or even really fit for freedom? Do we not constantly hear that we are not fit for self-government? (shame, shame), that we are illiterate, that we are not sufficiently educated? (shame, shame) May I retort by asking "You have been here for the last 150 years with the best of motives, with the object of making us fit for self-Government. Why is it then that you have done nothing to this end? (Loud cheers) This is the psychology of the revolutionary movement. Our educated young men see that nations all over the world are free. They compare their positions with the positions of other nations and they say to themselves, why should we remain so? We also want liberty (Cheers)". Is there anything wrong in that desire? Is it difficult to understand that point of view? Do we not all know this hunger for liberty? These young men burning with the enthusiasm of youth feel that they have not been given the opportunity of taking their legitimate part in the Government of their country, in shaping the course of their national development. Give them that right to-day, you will hear no more of the revolutionary movement.

"Gentlemen, Government is never tired of quoting my admission of the existence of a revolutionary party. I admitted it over and over again. I admit it to-day and shall never refuse to admit what I believe to be true. But have they ever thought of the remedy which I suggested? Have they ever given their minds to it? Are they incapable of thinking anything but repression in spite of the testimony of the history of the world being against them? Can't they think of anything else but repression, repression, repression? I tell them again that no amount of repression will ever put a check to this revolutionary movement. You cannot wipe out a nation from the face of the earth. You cannot check a people who are bent upon attaining freedom.

"I shall lay down my life for liberty. I am not a revolutionary so far as the methods are concerned, but I feel like that. Standing here today I proclaim that, if it is necessary to lay down my life for my liberty, I am prepared to do it (Applause and loud cheers) If I believed in the revolutionary movement, if I believed it today that it will be a success, I shall join the revolutionary movement to-morrow. But my belief is that



it will not succeed That is why I do not join it But so far as their enthusiasm for liberty is concerned, I am with them So far as their love of freedom is concerned, I am with them But if my suffering or struggle or every drop of my blood is necessary to achieve this freedom, I am ready I was told at Simla that as soon as I got down at Howrah, I should be arrested I am not afraid of being arrested I have done nothing wrong I have done what every honest man in India is bound to do (Loud applause and cries of hear, hear) They suppress the people who fight for their liberty in an illegal way They suppress or try to suppress lawful organizations And what is the result? Revolutionary crime is increased Do you expect honest people who fight for the liberty of their country with nothing but peaceful and legitimate methods, do you expect young men of that character when they are lodged in jail without any rhyme or reason, when they are snatched away from the bosom of their families, to entertain kindly feelings towards the Government, or would you not rather expect that one case of such an outrage would lead to the increase of hundred cases of revolutionary crimes? I admit that there is a revolutionary conspiracy in Bengal, one or more But at the same time I suggest to the Government, and if God spares me for a few years more I shall prove it to demonstration, that these repressive laws, these lawless laws, are incapable of putting down revolutionary crime They have not succeeded in the past They will not succeed in the future"

By 38 votes to 6 the Corporation then passed a vote of confidence on Mr Bose and also recorded its emphatic condemnation of the measure—the 6 opposing votes being of the 6 European Councillors A manifesto was issued over the signature of Sir Nilratan Sarkar, Sir P C Roy and Messrs Shyam Sunder Chakravarty, B C Pal and 30 other Calcutta leaders calling upon the country to observe November 1st as a day of national *hartal* as a protest against this 'recrudescence of repression' on the part of the Government On October 31 a great demonstration was held at the Calcutta Town Hall, and also similar demonstrations all over Bengal recording the country's emphatic stand against repression and denouncing Government for their policy The European press, alarmed at this national outburst, began to insinuate a forcible suppression of these meetings and even went to the length of suggesting Martial Law

#### M GANDHI ON THE ORDINANCE

But the greatest condemnation of this "Ordinance of Violence" came from that apostle of Non-violence, Mahatma Gandhi himself Writing in his paper "*Young India*" on October 29 he said —

"The expected has come to pass The English Press had foreshadowed for us the Viceregal bomb It is the Hindu New Year's gift to Bengal and through Bengal to India The step need not surprise us nor terrify us The Rowlatt Act is dead, but the spirit that prompted it is like an evergreen So long as the interest of Englishmen is antagonistic to that of Indians, so long there must be anarchical crime or the dread of it, and an edition of the Rowlatt Act in answer Non-violent Non-co-operation was the way out But we had not the patience to try it long enough and far enough

"Let us see how the English interest is antagonistic to the Indian Lancashire mills are the greatest drag on Indian economic progress It is obviously India's interest not to have a yard of Lancashire or other foreign calico or yarn, but Lancashire mill-owners will not readily and without a struggle give up the immoral traffic I call it immoral because it has ruined India's peasantry and brought it to the verge of starvation India supports (for her) a heavily paid English Civil Service It is obviously to her interest that this Service, no matter how efficient it may be, is replaced by an indigenous service, however inefficient it may be Man cannot breathe with borrowed lungs India supplies training ground for English soldiers and is therefore taxed to the bleeding point in order to finance a military budget that absorbs more than half her total revenue It is, again, clearly India's interest that she should learn to defend herself, even though it may be indifferently for the time being For her to be dependent for her defence, external or internal, upon outsiders, however

capable or well-meaning they may be, is to lose three quarters of her manliness for doing the right thing. The English are at an advantage for they belong to the governing race. Those who are not in the Civil Service, the large body of lay Englishmen and Englishwomen, ought to perceive the disastrous results of British domination. The so called 'Pax Britannica' is no compensation for deprivation of liberty and ever-growing pauperism.

"In spite of the elaborate Viceregal reasoning, I venture to submit that no case has been made out for arbitrary measures adopted by His Excellency. Let violence be punished by all means. I am no defender of anarchy. I know that it can do no good to the country, but it is one thing to punish crime actually attempted or committed. It is totally another thing to give arbitrary power to authority to arrest persons without warrant and that, too, on mere suspicion. What is happening now is to terrorise suspects. Past experience shows that more innocent people are punished than the guilty whenever the Government has yielded to panic. Every one knows that by far the largest number of persons punished in the Punjab in 1919 were totally innocent of the crimes imputed to them. Whenever the Government resorts to arbitrary powers, it really means that it has not popular opinion behind it. Deshabandhu Das, by his work in the Bengal Council, has shown that the Bengal Government has not popular opinion behind it. The theory that he has set up a system of terrorism must be rejected, there is no evidence to support the charge. You cannot win popular election by terrorism, nor can you hold a large party together by it. There is something inherently commendable to the people to make Deshabandhu the undisputed master of the large majority in Bengal. The reason is on the surface. He wants power for the people. He does not bend the knee to rulers, he is impatient to release Bengal and India from the triple burden. Let him sing another tune, let him say that he does not want freedom for the people, and he will lose his influence in spite of the terrorism imputed to him. I have my differences with Deshabandhu, but they cannot blind me to his burning patriotism of sacrifice. He loves the country just as much as the best of us. His right hand men have been torn away from him. They are all men of status, they enjoy the confidence of the people. Why should they not have an open, fair and ordinary trial?"

#### ADVICE TO BENGAL

"The summary arrest of such men under extraordinary powers is the condemnation of the existing system of Government. It is wrong, it is uncivilized for a microscopic minority to live in the midst of millions under the protection of the bayonet, gun-powder and arbitrary powers. It is no doubt a demonstration of their ability to impose their authority upon a people more numerous than they, but it is also a demonstration of barbarism that lies beneath a thin coating of civilisation. To the Bengalees who are on their trial, I respectfully say 'If you are innocent, as I believe most of you are, your incarceration can only do good to the country and yourselves, if you will take it in the right spirit. We will not win freedom without suffering.' To those who make the real anarchist and believers in violence, I urge, 'Your love of the country commands my admiration but permit me to say that your love is blind. In my opinion, India's freedom will not be won by violence but only by the purest suffering without retaliation. It is the surest and the most expeditious method, but if you persist in your faith in the method of violence, I ask you to make a bold confession of your faith and dare to suffer even though it be unto death. Thereby you will prove your courage and honesty and save many innocent persons from involuntary suffering.'"

#### The Indian Association's Memo

Amidst all the din of protests in the country none cared to make any representation to the authorities, for bitter experience in the past has shown that in such matters Indian sentiment and view point count nothing with the Government. The Indian Association of Calcutta, however, wired their protest to the Viceroy and subsequently late in December issued the following memorandum on the subject —

"The promulgation of Ordinance No 1 of 1924 by His Excellency the Viceroy

and the action taken by him under Regulation III of 1818, upon which the Association had already the honour of corresponding which the Private Secretary to His Excellency the Viceroy, have engaged further and anxious attention of the Indian Association His Excellency the Viceroy has been pleased to appreciate some of the points of view previously submitted by the Association and has asked for constructive suggestions. The Association accordingly proceeds to submit further observations arising out of the situation

"From the Resolution of the Government of Bengal, Political Department, No 10850 dated the 25th October 1924, it appears that the Governor-General was moved by the Government of Bengal to promulgate the Ordinance with a view to supplementing the ordinary criminal law. The statement of His Excellency the Governor-General with which the Ordinance is prefaced, is based on what is stated in the Resolution of the Government of Bengal

"The Association has carefully watched the growth of political life in this country for the last 48 years. It has been in close touch with the people in general and with the politically minded classes in particular. On an anxious consideration of political life and tendencies of the people, the Association is emphatically of opinion that such movements as have been characterised as Revolutionary cannot be said to be connected with or attributable to political propaganda or with legitimate aspiration of the people or natural unrest in the country. The Association is strengthened in this opinion in view of the fact that regrettable crimes that have in some case gone undetected and unpunished will hurt political progress, upon which the country at large has set its heart, more than anything else. But the Association submits with emphasis that the existence and continuance of these crimes is not warrant for suspension of the normal laws of the country or of reintroduction or duplication of extraordinary measures, for some of which warrant was claimed during the exceptional and critical times of the last war

"Normal methods are onerous, but they stop crime more effectively than coercive or extraordinary measures which, though easy of execution, alienate the people. Extraordinary powers give rise to evils of which the Government does not appear to take note. By investing the criminal investigation staff with these powers the Government have to come up to the State and the Legislatures for greater powers and a freer hand

"The resolution speaks of intimidation by revolutionaries with a view to prevent the conviction of criminals. If a careful study is made of the trials of alleged revolutionaries, it will be found that in a great majority of the cases the witnesses spoke the truth and juries gave their verdicts without being influenced by fear, and that there were convictions and sentences under the ordinary criminal law. No doubt in a few cases, the prosecutions failed, but having regard to the judgments, it is difficult to believe that those were not really weak cases

"The following are some of the recent political cases that have been tried under the ordinary criminal law —

- 1 The Sankaritolla Murder Case
- 2 The Day murder Case
- 3 The Alipuri Conspiracy case
- 4 The Maniktolla bomb case
- 5 The Chittagong murder case
- 6 The Mirzapur bomb case

"In the Sankaritolla murder case and the Day murder case the juries composed of a majority of Indians brought in verdicts of guilty. It is clear that intimidation, if any, did not influence the witnesses or the jurors

"In the Chittagong murder case an application was made to the High Court on behalf of the State for transfer of the case from the Chittagong court to some other court, on the ground that there was a likelihood of the jurors being intimidated. The High Court after careful consideration of the materials placed before it on behalf of the prosecution, rejected the application. The case is now sub-judice, like the Maniktolla bomb case and the Mirzapur bomb case and no conclusion can be drawn either by Government or by the public with regard to them

'In the Alipur Conspiracy case the jury returned a verdict of "not guilty" There was a mass of evidence placed before the jury and a part of the evidence was directed to showing that the Kona dacoity, to which the Bengal Government refers, was the act of the terrorists

'The facts of the Kona case are as follows, —

Two zemindars were murderously assaulted and died in hospital. One of them made a dying declaration in which he mentioned the names of the assailants and stated that a family quarrel was the cause of the assault. The assailants were identified by some ladies of the families of the deceased. The approver in the Alipur case stated that the Kona murders were the outcome of a political conspiracy and that the taxi-cab in which the dacoits went to Kona and came back from there was driven by him. One of the jurors desired to test the approver's knowledge of driving a taxicab. A test was held in the grounds attached to the court premises. It was found on such test that the approver did not know how to drive a motor car.

'There is a statement in the Government resolution that many facts in the possession of the Government could not be placed before the court and that the accused were eventually acquitted. It should be borne in mind that the evidence which was placed before the jurors is reliable and believed by the jury and the court, was sufficient to ensure a conviction. But the evidence was mostly of the character of the evidence given by the approver to which reference has already been made and there was hardly any other course left to the jurors than to return the verdict that they did. It was open to the judge not to accept the verdict but refer the case to the High Court. But the judge, who is a member of the Indian Civil Service, did not think it fit to make the reference. Government also had the right to go up to the High Court if it thought that it had a good case, but the Government did not do so.

'The public have to and can judge of these and similar cases not on the basis of repetitions about mere secret information or one-sided enquiries, but on the basis of tested evidence. It is difficult to believe from the record of cases in which convictions were as a matter of fact obtained, as also of those few cases in which there were acquittals, that a case can be made out establishing general miscarriage of justice in revolutionary cases under the existing law.

'The situation with which we are faced is that there are sometimes violent crimes including robbery and murder which the Government attributes to political conspiracies.

'It is, however, remarkable that inspite of close and widespread searches made suddenly on the 25th October 1924, and the subsequent days, the police did not discover the stores of arms and explosives which the Government resolution would lead one to believe had been accumulated by the conspirators. The suggestion that the Police on that occasion were bent on getting the men, not so much as the arms, can be hardly convincing. Finding of arms later on at all events was to be expected, which however was not the case.

'The Association deplors that there should be murders, robberies and other acts of violence. They have unfortunately taken place even when Government has taken no risk by disclosure of names and facts at open trials in their attempt to bring offenders to book. The Association is as anxious as the Government that the lives of its faithful servants and of citizens should not be unnecessarily and unavoidably risked. Past experience, however, unfortunately show that even without taking such risk and even with the existence of special and extraordinary laws, such as the Defence of India Act, these crimes have occurred. My Association therefore fails to see the justification of not only the suspension of the ordinary laws of the land but of resort to Regulation III of 1818 and of simultaneous creation of Ordinance I of 1924, which is proposed to be made into a permanent statute. Nothing can be gained but a great deal is sure to be lost by reiteration of the affirmation that Reforms cannot advance unless the objectionable Ordinance finds a permanent place on the statute book. My Association cannot too often and too emphatically reiterate its conviction that these crimes and political progress of the country

have and can have nothing to do with one another, and that the former do not appear to be intended to, nor can, nor will, advance the latter. The Association after the most anxious consideration is of opinion that the remedy adopted by Government is worse than the disease.

It should be remembered that there are times when panic or impulse gets the better of judgment amongst those that are responsible for the executive administration of the country and serious mistakes are made. The internment of Mr Krishna Kumar Mitra, Mr Aswini Kumar Dutta and some other gentlemen in 1908, of Mrs Besant, Mr Wadia and Mr Arundale in 1920 are phases of the attitude of the Executive Government which have not been shown to admit of any explanation.

The Association apprehends that among results likely to arise on account of the extraordinary powers with which the Police have been and are proposed to be vested would be the following —

- 1 The Ordinance will interfere with the normal activities of the people
- 2 Social and economic movements will be checked by the Police on the allegation that they are political movements in disguise
- 3 Too much power given to the police constitutes a menace to personal liberty
- 4 In villages particularly results in these directions will be the worst

The Association may remind the Government of instances of deplorable mistakes on the part of the police, in such cases as the Midnapur Train Wrecking case and the Sindhubala case. Extraordinary powers vested on the police particularly on a permanent basis mean greater risk of such mistakes.

In their estimates of the extent and influence of the revolutionary movement in this country, the Indian Association does not agree either with the Executive Government, or with Mr C R Das. The Government complains of exaggeration on the part of some of their critics when commenting upon their acts. Government should not at the same time exaggerate the revolutionary evil and base their acts on inflated and ill established estimates.

The Association notices that in his Dinajpur (*see poste*) speech His Excellency the Governor observed as follows —

“Reasonable men to whom I have made this reply have accepted it but they have then asked “why not admit your evidence to two High Court Judges instead of two District Judges who are servants of Government and therefore not so impartial.” The answer to that question is that we cannot use the High Court except in its judicial capacity. The service of examining in secret our evidence and advising us as to its reliability is an executive service which cannot be performed by the judges of the High Court. It is not our unwillingness to consult them but their willingness to serve in this capacity which precludes us from resorting to judges of the High Court’

This illustrates to a greater degree than the Association itself can urge, the enormous difficulties and undesirable effects attending the extraordinary procedure proposed to be adopted—difficulties under which even His Majesty's Judges find it impossible to respond to the invitation of the head of the Government to assist it by investigations in camera. It was only to be expected that those with the high training and traditions of His Majesty's Judges should have this and only this answer to the invitation of His Excellency the Governor.

In view of the submissions made above, the Association is unable to see that there is any room or occasion for making what has been called constructive suggestions on its part.

The Association believes that if adequate and timely preventive steps are taken under the normal law, and in cases brought to trial they are sufficiently prepared and properly conducted, there is no reason why these crimes should not be adequately dealt with and convictions secured.

The Indian Association therefore strongly urges upon the Government the necessity of revoking Ordinance I of 1924 and of bringing to immediate trial the persons arrested under the Ordinance and under Regulation III of

1818 This revocation and these trials, in the ordinary course of law, will tend to create an atmosphere of trust and goodwill which must be the common objective of the Government and the people alike, in the best and highest interests of both."

### Lord Lytton on the Ordinance

For long after the promulgation of the Ordinance the Governments of Lord Reading and Lord Lytton kept silent, but after the conclusion of the Unity Conference at Bombay (see *post*) on November 23rd when all political parties in the country joined hands in damning the Ordinance and the Regulation III of 1818 under which altogether some 98 men, mostly Mr Das's followers, had by now been spirited away, Lord Lytton felt the need for opening his own campaign. It was at Malda on November 24th that his Excellency made his first pronouncement in justification of his unique methods. In that speech, Lord Lytton laimed that he was really defending the liberty of the subject. Bengal, he suggested, was the victim of revolutionary terrorism and repression was the only mode of saving her from its grip. The most sensational as well as the most important part of his lordship's speech was that dealing with the arrests. Lord Lytton contended that his police are omniscient, that he had been satisfied that all the arrests effected were based upon unimpeachable and conclusive evidence. "Men who live within the law are entitled to the protection of the law," he said, "but men who defy the law, who live and act outside the law, who menace the liberty of those who live within it, who take upon themselves to decide without any process of law who shall live and who shall die, these men have no right to the protection of the law. They are outlaws. They are a danger to the state." Lord Lytton further asserted that "it is against such men and such men alone that the special powers which my Government have asked for and have obtained, are being directed." "Every single man who has been arrested under Regulation III of 1818 or under the new Ordinance," Lord Lytton categorically stated, "is a member of a terrorist organisation that seeks to attain its objects by violence and intimidation and proposes, if not checked, to carry out more murders. Every man too, who has been arrested, is being detained not on the isolated statements of a single informer but on the evidence from many different sources, spread over many months which has to satisfy the Government of Bengal as well as two independent judges, and in the case of the Regulation III prisoners, the Government of India and the Viceroy himself, probably the best-trained lawyer in India, that he is not merely a member of but active participator in this terrorist conspiracy." The suggestion here was the deliberate one that men like Subhas Chandra Bose and Anilbaran Roy were not merely members, but "active participators" in revolutionary crime. What Lord Lytton asked Bengal to believe was that his theory and his "facts" were infallible and that she required to be saved by him from the evidence of men who affect to be her non-violent and devoted servants.

As regards the nature of the menace to the State, however, His Excellency in the same breath said "The danger does not come from any popular movement. There is no spirit of revolt in the hearts of the people of Bengal. There is no specially acute economic distress to cause a general unrest in the country. The peace of Bengal and the lives of its citizens are threatened by no popular rising, but by a comparatively small body of men." And yet for this small body of men the Ordinance was promulgated under S 72 of the Government of India Act which gives the Viceroy power to be exercised only when there is an emergency, and Lord Lytton confessed that there was no emergency. Again, Regulation III of 1818 definitely contemplates that it should be invoked for the "Security of the British Dominions from foreign hostility and from internal commotion," and Lord Lytton confessed there was no such commotion or unrest or revolt, or was his Excellency afraid to say that there was such commotion due to the activity of the Swarajists? Perhaps the truth lay here more than in the spoken word.

From Malda His Excellency then moved to Dinajpur a few days after and again referred to the arrests in Bengal. Then, again, on Nov 28th speaking at the St Andrew's Day Dinner at Calcutta, his Excellency said —

"You remember the parable in the Bible of the husbandman among whose

good crops an enemy sowed tares during the night. So it is with the fair garden of Bengal where among the healthy growing plants of constitutional progress enemies have sown under cover of darkness the rankest, most poisonous, most choking weed which is to be found in a political garden—namely the weed of intimidation. Mr C R Das has recently told us that he has noticed these weeds—in fact he says that he has seen more of them than we have, and his remedy is that we should give them more sun and water and he assures us that they will then turn into healthy and harmless plants. That advice perhaps seemed to him in keeping with the instructions of the husbandman in the parable, but as in affairs of State we cannot wait for the day of judgment to solve our difficulties, we have preferred to eradicate the weeds before they grew too rampant and to restrain those who have planted them. Whereupon Mr Das cries out “You have accepted my diagnosis but refused my remedy and instead of destroying the weeds you are plucking up my Swarajya shoots which are the healthiest plants in the garden.” Gentlemen, the reason why I do not accept Mr Das’ remedy is because he is not my gardener, and has no responsibility for the consequences of his advice. If he had become my Minister when I gave him the opportunity, and if in that capacity he were now to say “I will be responsible for the lives of our police officers without the use of these powers,” then I should be prepared to listen to him. As he refused to take responsibility, he cannot now make it a grievance that his advice is not accepted.

“Our policy is not directed against Mr Das’s party nor against any other political party working within the constitution for the establishment of a national system of Government in India, but against a terrorist organisation which aims at the overthrow of the present Government by force or its coercion by murder and intimidation. Members of that organisation will not be allowed to screen themselves behind any other political label or obtain immunity by claiming membership of a party which professes to repudiate their methods.

“The leaders of all political parties in India have a very grave responsibility for the present situation. If they had had the courage to remain true to their publicly avowed principles of non-violence, if they had said without any qualification—“We have no place for the bomb and the revolver in the nationalist movement, we will not accept the help of those who use them. Whatever the ideals may be of those who use these weapons, they are so damaging to the credit of our cause that we will support any Government however constituted in suppressing them.” If they had had the courage to say that when this menace first made its appearance there would have been no need now for the special powers we have been forced to use. But instead of doing that they have either condemned the means for the sake of the end, or they have allowed themselves to be blackmailed into betraying their principles.

“Mr Das claimed that freedom is his birth-right. Certainly, but it is mine too—it is Mr Tegart’s—and the first birthright of any man is the right to live. Our determination to suppress intimidation is as much in the interest of Mr Das himself as of any other political leader. The day may come when he himself may be in a responsible position, and opposed by an irreconcilable minority. What would become of his birth-right if those who could not accept his policy were to be free to terminate his existence, and where could he turn to protection if Government were not strong enough to afford it?

### Lord Lytton’s Durbar Speech

But the most remarkable speech of his was on December 2nd at a Durbar held at Government House, Calcutta where he launched some fresh ingenious charges. Said his Excellency—

“In the early years of the last revolutionary movement the ordinary law was used as often as possible but it proved wholly inadequate. Apart from the murder of investigating officers, of witnesses and of approvers, the published testimony of the revolutionaries themselves show that for the purpose of preventing the growth of the movement and the spread of intimidation, it was absolutely useless. It was not until

the Defence of India Act gave to the Govt the same powers which we have obtained under the recent Ordinance that the movement of that day was suppressed. We ourselves have had recourse to the ordinary law in the last 2 years and we have found it equally ineffective. If men can be murdered even on mere suspicion of having made confessions or supplied information, what hope is there that others will dare to face publicity? No court which cannot guarantee immunity to the witnesses that testify before it can be expected to arrive at the truth in political cases. Those who urge us to have recourse to the ordinary courts of justice have no power to guarantee the safety of the witnesses we might produce. The Courts of Justice themselves have no such power and have no responsibility for any harm that may come to those who testify before them. That responsibility rests with the Executive Government alone and as Head of the Executive in Bengal, I say finally and definitely that we will not produce our witnesses before any tribunal unless we can guarantee their safety if they speak the truth.

"A suggestion has been made in some quarters that we should submit our evidence in secret to one or two impartial men whose verdict would carry greater weight than our own.

"This is a very plausible suggestion and one which I cannot lightly reject. But there is one very obvious objection to the form in which it is made. The responsibility for executive action must rest with the Executive Government. It cannot be devolved upon any one else. Even the Legislature has no responsibility for the selection of the individuals who have been arrested. Therefore I say the Govt of Bengal could never divest themselves of the responsibility which is theirs and theirs alone for the selection they have made. But I may be told that the Govt often seeks the advice of unofficial committees and commissions in a variety of public matters. I agree, but that is always when Govt themselves have some doubt as to the course they should adopt or desire more information before acting. If the Executive cannot be trusted to carry out its responsibility, there is only remedy, namely, to change it. Since in India, however, the Executive Government is irremovable, it is not unreasonable to suggest that it should at least seek the advice of those who possess a larger measure of public confidence than they do themselves. But here a practical difficulty at once arises. Who is to decide the personnel of the assessors? The Govt naturally should select its own advisers but if they are not trusted, neither will be the men of their choice. Govt however cannot be expected to seek the advice of their political opponents, and none but their own nominees would satisfy such opponents. The belief that there are men in India or any country in the world who in a matter of acute political bias whose impartiality is unquestioned by any one and whose verdict would be accepted by all is unfortunately the dream of a visionary and entirely at variance with the realities of life.

"It has been suggested that when I went on to say that threats of violence had been used even against candidates to and members of the Legislative Council, I was referring only to Red Bengal leaflets, the existence of which was first said to be an invention of the police and which opponents of the Govt have found it convenient to ignore or to laugh at. No, gentlemen, it was not to these leaflets that I was referring but to letters addressed to the recipients threatening them with assassination if they did not withdraw their candidature or vote as they were bidden. And as might be expected, so rapidly does this foul poison of intimidation spread when once it has been proved effective, it has even found its way into the municipal affairs of the mofussil which have not the remotest connection with the presence of British officials in India or the form of the Constitution.

"The suggestion therefore, which has been made, that the evil is due to the bitterness of heart of a patient people long denied the smallest encouragement in their struggle for freedom, and that it would disappear if Govt would show more sympathy, is wholly false and palpably disproved by facts which are known to every one. Many of the genuine revolutionaries of the old days have admitted that the declaration of 1917 and the Act of 1919 entirely removed the grounds of their former methods of agitation and that if the present oppor-



tunities for constitutional agitation had then existed they would never have resorted to violence."

He then laid down his conditions of a truce in the following words —

"The first step towards reconciliation and advance must be to bring about conditions which will make it safe to release those whom we have been obliged to arrest and I should like to make clear what those conditions are

"The first is to make sure that those who organise and direct this terrorist movement have been restrained from employing their methods of intimidation. The second is to deprive them of the weapon on which they rely to make those methods effective. It has been stated in many quarters that the fact that we have made no large captures of arms or explosives is proof of their non-existence. This is a plausible argument but again it is disproved by facts. The existence of these arms and explosives is proved by the fact of their use. All the outrages that have taken place have been committed with automatic pistols of foreign manufacture that could not be legally obtained in India and must therefore have been smuggled into the country from abroad, or with bombs of a new type that have recently been manufactured. If the searches which took place on October 25th did not lead to the discovery of secret stores of these weapons, that is because the police on that occasion were mainly occupied with the capture of the conspirators. Isolated weapons they might possibly have found but it was not likely after the prominence which had lately been given to the seriousness of the movement and the necessity for some action to suppress it, that any stock of weapons or incriminating material would be kept in premises liable at any moment to be raided by Govt. But although the first step was to secure the men the capture of their weapons is, as I have said, a necessary preliminary to the consideration of their release

"The third and last indispensable condition is the passage of the Bill which we shall introduce into the Legislative Council to take the place of the Ordinance. When that Bill has become law and we have an effective means of preventing the revival of violent methods, we can then begin the process of reviewing the cases of those whom we have arrested with a view to restoring to them their liberty. Those who wish for the early release of the State prisoners should therefore help us to satisfy these three conditions at the earliest possible moment."

### The Viceroy on the Ordinance

The bureaucratic vapourings of Lord Lytton, however, failed to convince any one but those interested in killing national feeling in India of their worth and every single sentence uttered by his Lordship was most completely answered and unmasked in the Indian press. At last the Viceroy himself came to his rescue and took responsibility for the repression upon himself. On December 10th in the congenial atmosphere of the European Association, Calcutta, he made a long oration touching on the situation in Bengal. Unlike the flamboyant style of Lord Lytton, the Viceroy's speech was couched in conciliatory language though the arguments were substantially of the same line. The reader will find this speech given in full on page 373 *et sequel*

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# The All-Party Conference

*BOMBAY—21 NOVEMBER 1924*

One good at least followed from the repression—it unified the different political parties in the country. The postponed “Unity” efforts of M. Gandhi in the previous September now bore fruit. The Swarajists ordinarily would have met in conference at Delhi on October 31st but the sudden burst of the Ordinance bomb-shell dislocated this plan. Mr Das had to come down hastily to Calcutta and rally his panic-stricken followers. All the provincial Swarajist leaders wired to him words of sympathy and support and M. Gandhi himself came over to Calcutta on urgent invitation on November 4th. From that day eager and anxious conferences were held all day long between M. Gandhi and the No-Changers and Swarajists of Bengal. The impact of bureaucratic terrorism had unified all hearts in Bengal, and the earlier wrangle in political circles on such matters as whether the Congress should be a political body with Swarajist supremacy, or a khadder and spinning machinery with No-changer’s supremacy, now disappeared.

Most of the Swarajya Party leaders made no secret of their motives and hinted that the most effective challenge to repression would be universal boycott of British goods. Some favoured boycott of selected British goods and boycott of foreign cloth but the Mahatma’s attitude had undergone no change. While supporting the boycott of foreign cloth as an essential duty, he maintained that the boycott of entire British goods was an impossibility and the qualification “British” may accentuate hatred. The Swarajists held that during the partition of Bengal the boycott of British goods was effectively carried out. It did not necessarily signify hatred of the British people. It may be most properly regarded as a corrective method to awaken in them a true sense of their duty by the Indian people. Some leaders went further. They declared that passive resistance should immediately be inaugurated in Bengal which she will at this juncture at least carry to the utmost success.

## The Gandhi-Swarajist Pact

At last after 3 day’s continuous discussion an agreement was reached between M. Gandhi on one side and Messrs Das and Nehru on behalf of the Swarajists on the other. A joint manifesto was issued on November 6th giving the terms of the now famous ‘Calcutta Pact’ as follows. —

“Whereas, although Swarajya is the goal of all the parties in India, the country is divided into different groups seemingly working in opposite directions, and whereas such antagonistic activity retards the progress of the nation towards Swarajya, and whereas it is desirable to bring so far as possible all such parties within the Congress and on a common platform, and

“Whereas the Congress itself is divided into two opposing sections resulting in harm to the country’s cause, and whereas it is desirable to reunite these parties for the purpose of furthering the common cause, and

“Whereas a policy of repression has been commenced in Bengal by the Local Government with the sanction of the Governor General, and

“Whereas in the opinion of the undersigned this repression is aimed in reality, not at any party of violence but at the Swarajya Party in Bengal and therefore at the constitutional and orderly activity, and

"Whereas therefore it has become a matter of immediate necessity to invite and secure the co-operation of all parties for putting forth the united strength of the nation against the policy of repression ,

"We, the undersigned, strongly recommend the following for adoption by all parties and eventually by the Congress at Belgaum ,—

"The Congress should suspend the programme of Non-Co-operation as the national programme except in so far as it relates to the refusal to use or wear cloth made out of India

"The Congress should further resolve that different classes of work of the Congress may be done as may be found necessary by different sections within the Congress and should resolve that the spread of hand-spinning, hand-weaving and all the antecedent processes and the spread of hand-spun and hand-woven Khaddar and the promotion of unity between different communities, specially between Hindus and Mahomedans, and the removal of untouchability by the Hindu from amongst them should be carried on by all section within the Congress, and the work in connection with the Central and Provincial Legislatures should be carried on by the Swarajya Party on behalf of the Congress and as an integral part of the Congress organisation and for such work the Swarajya Party should make its own rules and raise and administer its own funds

"Inasmuch as experience has shown that without universal spinning India cannot become self-supporting regarding her clothing requirement, and inasmuch as hand-spinning is the best and the most tangible method of establishing a visible and substantial bond between the masses and Congressmen and women, and in order to popularise hand-spinning and its product Khaddar, the Congress should repeal Article 7 of the Congress Constitution and should substitute the following therefor —"No one shall be a member of any Congress Committee or organisation who is not of the age of 18 and who does not wear hand-spun and hand-woven khaddar at Political and Congress functions or while engaged in Congress business and does not make a contribution of 2,000 yards of evenly spun yarn per month of his or her own spinning, or in case of illness, unwillingness or any such cause, a like quantity of even yarn spun by any other person"

This part meant a great deal of mutual concessions in order to secure a united Congress. Non-co-operation was suspended in order that all political parties in the country could come to the Congress and denounce the new orgy of repression with an united voice. The Swarajists were declared to be the Council section of the Congress because it was realised that there was much going on in the country which required to be combated more directly than the old N-C-O Congress could—such, for instance, as the repression now started and other actions of the bureaucracy which were being fought so valiantly by the Swarajists. But the three items of the Congress remained, namely, Untouchability, Hindu-Moslem unity and Hand-spinning. The latter was made the basis of Congress franchise, and it was here that the Swarajists and other parties outside the Congress were required to make the greatest sacrifice.

### Mahatma Gandhi on Repression

On the eve of his departure from Calcutta on 7th November M. Gandhi gave an interview to a press representative and said —

"Repression should result in uniting the political parties in India because after such a careful study as was open to me I retain the opinion that the repression is an attack upon the Swarajya Party, in other words upon determined and inconvenient opposition to the Government, no matter how constitutional it may be. If all parties unite in expressing unequivocal disapproval of its policy, the Government will realise that public opinion is entirely against it. Personally, I regret that at this

critical juncture there is no atmosphere for non-co-operation, or putting it more accurately, Civil Disobedience, for I consider that measures adopted by the Bengal Government are such as to call for the strongest direct action that is open to the believers in the uttermost non-violence. It would be at once an answer to the Government for its arbitrary action and to the revolutionary party to show the futility of its methods. I regard both the repression of the type adopted by the Government and the violent methods of the revolutionary party as anarchy. The activity of the Government is possibly more dangerous, because it is more organised and is adopted in the name of law. But I recognise that whilst we are warring amongst ourselves, and whilst the atmosphere is surcharged with violence, though for the moment turned upon ourselves, Civil Disobedience is an impossibility, but had the Hindus and Mahomedans not lost their heads and had there been no dissensions within the Congress I could have shown that Civil Disobedience was infinitely more effective and expeditious than violent methods that Civil Disobedience must always be non-violent, open and strictly truthful, makes it a weapon capable of being handled by scrupulously honourable men."

Asked as to what should be the attitude of the non-official Europeans in India at the present time M. Gandhi said, "In my opinion their way is perfectly clear. So far as I am aware, all India will co-operate with them in discountenancing and putting down anarchical activities, but they are expected to appreciate the Indian stand-point, Indian aspirations, and make common cause with Indians in resisting the arbitrary use of authority and co-operate with them in their attempt to vindicate their right for freedom." But here lay the real rub. For it was primarily at the insistent demand of the European community that repression was at last inaugurated in India.

### The All-Party Conference

The pact however was a mere recommendation by the signatories to all Congress men and other political parties. Accordingly it was soon followed by an appeal issued by Maulana Mahomed Ali, as president of the Congress to all parties to meet at a Conference in Bombay and accept or reject the pact as they thought fit. It said —

'I am convening a meeting of the All-India Congress Committee for Friday the 21st and Saturday the 22nd instant at Bombay to consider the recommendations published over the signature of Mahatma Gandhi, Deshabandu Das and Pandit Motilal Nehru with a view to unite all parties and induce those who in 1920 felt called upon to retire from the Congress to rejoin it and to meet the recrudescence of repression which is evidently aimed at the Swaraj Party of Bengal. I hope that every member of the All-India Congress Committee who can will make it a point to attend the meeting and I take this opportunity of cordially inviting also the non-official members of the Legislative Assembly, the Council of State and all provincial Legislative Councils and the Central Khilafat Committee and the Shiromani Gurdwara Prabhandak Committee and members of the Committees or Councils of (1) the Hindu Mahasabha, (2) the Muslim League, (3) the Sikh League, (4) the Indian Christian Association, (5) the Jamiat-ul-Ulema, (6) the Liberal Federation, (7) the National Convention, (8) the Arya Sevareshik Sabha and the Arya Pradeshik Sabha, (9) the European Association, (10) the Parsee Panchayat, (11) the Anglo-Indian Association, (12) the Sikh Sudhar Sabha, (13) the Parsee Rakhiya Sabha. I hope they will be able to attend the meeting and give the All-India Congress Committee the benefit of their assistance and guidance. It is desired to invite all interested in uniting all parties in resisting the repressive policy initiated by the Government of Bengal. I trust that the importance of the occasion will be sufficient inducement for all leaders who can to attend the meeting.'

### The National Liberal Federation

In response to this invitation a meeting of the Council of the National Liberal Federation of India was held on the 20th November in the Hall of the Servants of India Society. Owing to short notice the attendance was not very large. Over

thirty members attended and they included representatives from Madras, Bombay, the United Provinces and Berar Mr Narayan Vishnu Gokhale presided

The Council passed the following resolution in regard to repressive measures in Bengal —

- (a) The Council of the National Liberal Federation of India are strongly of opinion that the Criminal Law Amendment Ordinance is far too extensive in scope and, notwithstanding the provision of appeal to the High Court from the judgment of Special Commissioners, it places excessive powers of arrest and detention in the hands of the Executive

Having regard to past experiences of the working of such measures and particularly Regulation III of 1818, the Council apprehend that there are serious dangers in the employment of that Regulation as well as in the working of the Ordinance of injustice being caused to those whose political activities are of an entirely different character from those of persons engaged in anarchical conspiracies

- (b) The Council of the Federation are of opinion that while anarchical crimes should be put down, the true remedy for the present political situation lies in the adoption of a far-sighted policy of constructive statesmanship which the Council feel assured is bound to evoke a response from the people of all classes

The Council next considered the Congress President's invitation to the Conference of all parties to be held on the 21st and 22nd November. Opinions from a number of individual members who could not be present at the meeting as well as some of the provincial Liberal organisations were placed before the meeting and there was a general discussion on the recent Calcutta Pact between M Gandhi and the leaders of the Swaraj Party, as well as on the present creed of the Congress. The meeting agreed to attend the All-parties conference and selected two of the members of the Council to be its spokesmen at the Conference

On the appointed day, November 21st, the Conference met at the Muzaffarabad Hall, Bombay. Some 400 delegates had responded to the invitation of Mr Mahomed Ali

A political gathering more representative of all parties, communities and interests in India than the one that assembled there is unthinkable. There were politicians like Pandit Nehru, Mr Das, Mr Patel, Mr Sastri, Mr Chintamani, Mr Jinnah and Mrs Besant that would have done honour to any Parliamentary Assembly in the world. The legal profession was represented in Mr Bhulabhai Desai, and Mr Chakranati Munshi. There were orators like Mr B C Pal, Mr Satyamurti, and Mr Jayakar. In Mr Mahomed Ali, Mr Rangaswami Iyengar, Mr Natarajan Mr Belvi and Mr Joseph there was the journalist talent of India. The business community was strongly represented in Sir Dinshaw Petit, Lala Harkishanlal, Sir Purshottamdas Thakurdas, Mr P C Sethna, Mr Kamat and Mr Shroff Devji Kanji. Besides these there were Islamic Maulvis, Brahmans, Pandits, Jain leaders, Non-Brahmin politicians. Amongst half a dozen European visitors, a lady, Prof Mohan Stine, and Mr Pickthall were conspicuous. But above all there was the quiet unassuming half-naked figure of Mahatma Gandhi, sitting in lustrous demeanour lending inspiration to the proceedings by his gentle smile. Every body seemed to realise that it was his will-power that had made antagonistic, political elements to gravitate in one hall to forge out new weapons to fight the bureaucracy and to accelerate the day of India's salvation. It made possible the rare phenomenon of Mr Das and Mrs Besant, Mr Patel and Mr Jinnah, Mr Mahomed Ali and Mr Jinnah to meet on the platform and put their heads together to discover the way to fight the fresh tactics adopted by the bureaucracy.

It was a tactical move on the part of M Mahomed Ali to resign his right of presiding over the Conference in favour of some one acceptable to all parties including the slowly moving political groups. Sir Dinshaw Petit's choice was unexceptionable and his title to the presidentship was due to his return from Europe that very day and only a few hours ago.

Mr MAHOMED ALI in opening the Conference said as the President of AICC he had invited not only members of that committee but representatives of all political parties and various communities in India with a view to consider what steps they could take to induce all parties to join the ranks of the Congress, and particularly to induce those who felt in 1920 that they could not remain in Congress, and also to devise means whereby they could meet the repressive policy of the Government in Bengal. This was a meeting of the All-India Congress Committee and of the friends they had invited. It would be in the fitness of things to invite somebody else to take the chair to preside over the Conference. After the Conference was over they could hold a meeting of the AICC to consider the resolutions passed. He proposed that Sir D M Petit should take the chair and Mr Vallabhabhai Patel act as Secretary of the Conference.

Sir D M PETIT then took the chair. Sir Dinshaw asked their forgiveness for not being as qualified as they would expect him to be to preside over such a gathering as theirs. Besides he did not know the position in India owing to his prolonged absence from the country as all the news he had heard was through the scrappy and prejudiced columns of English newspapers. He had set foot in Bombay only that morning and he thought the only reason why he was appointed President was because, being a non-party man, he was like Caesar's wife above suspicion as a politician.

#### MAHATMA GANDHI'S SPEECH

M GANDHI then moved a resolution appointing a representative committee. Speaking on his proposal he said that in accordance with the invitations issued by Mr Mahomed Ali they had met there in order to consider certain things, one of which, and perhaps the most pressing, was some action to be taken by the Conference, if at all it was possible, in connection with the repressive policy adopted by the Government of Bengal with the concurrence and approval of the Government of India. It was the desire of those who were associated with Mr Mahomed Ali on the Working Committee and also of members of the Swaraj Party that there should be a resolution on the repressive policy arrived at by different parties represented there at the Conference and that the resolution should be passed unanimously. It was also the wish of Mr Mahomed Ali, as also the Working Committee and members of the Swaraj Party, that all their deliberations and resolutions should be, as far as possible, unanimous. They had gathered together not to emphasise points of differences, but to understand and find out points of agreement and to see whether it was possible for them to come together and to work together in connection with those points of agreement. One of those was some action in connection with the extraordinary ordinance published in the Government of India Gazette as also in the Government of Bengal Gazette and the action taken in virtue of the Ordinance and the Regulation III of 1818. So far as he was aware there was this much consensus of opinion that it was possible to take some action at least to arrive at some declaration of opinion representing all parties that were represented in the hall. Unfortunately he had to add that the task of drafting a resolution was placed in his hands and he was not able to consult the heads of the different parties that had arrived for the Conference, but he had the honour and pleasure of waiting upon Mrs Besant and he had discussed the resolution with her. He had not the pleasure and honour of waiting upon Mr Sastri owing to the pressure of engagements and the number of callers. He had to send the resolution early because he was engaged in showing that resolution to his colleagues. He had pleasure, in company with Pandit Nehru and Mr Das, of discussing the matter with Mr Jinnah, but he had not the resolution with him then. He had thought there should be no difficulty in coming to a unanimous decision on the repression that was going on in Bengal and he had promised to send the draft to Mr Jinnah as early as possible but he could not do so. He wanted to tell them therefore that the resolution was not sprung on the Conference as a surprise and he did not want to do so. He proposed that —

"A small committee be appointed of this house consisting of members representing every party that had taken the trouble of being

represented in the hall and at the Conference and that the Committee should immediately proceed to consider the resolution and arrive at a common draft or common resolution which should be presented before the Conference."

Therefore, if that proposal was passed and the Committee was appointed, they should straightway proceed with the consideration of the resolution. He was not suggesting names, because he did not know how many parties were represented there and how many were present there. He ventured to suggest that no more than two names should be suggested of persons belonging to each party. His own experience was that smaller Committees give better result. He suggested that a Committee be appointed representing all parties in order to consider forthwith the draft resolution to consider repressive policy in Bengal and to report to the Conference which was to meet the next day. The report was to be handed over to the Chairman before 10 o'clock that night, so that the resolution might be circulated among members of the Conference that had met there.

Pundit MOTILAL NEHRU seconded the proposal. Mr Venkatram opposed on the score that they had adopted the old and discredited methods of secret diplomacy. It was for the Swaraj Party, which had said that the measure was aimed at its very existence, to justify its former boast by action in legislative bodies. He was attacking Pt Nehru and his Swarajist policy when he was called to order.

Mr NATARAJAN supported the proposition very heartily. To whatever party they might belong, they all, he said, condemned the repressive policy of the Government now adopted in Bengal. He only wanted to make one suggestion, that the Committee which was requested to frame resolution of that kind should also strongly condemn the outbreaks of the anarchist movement if it did exist in India. He did not know whether it existed or not. Responsible people in Bengal were speaking in two different voices. Some said the movement existed in much deeper way than the Government suspected while others said that it was mere fancy and imagination. He was not therefore able to make up his mind whether there was an anarchist movement or not. If it did exist, then it was a much greater danger to the country than the withholding of Swaraj from them. Therefore they must strongly protest both against the anarchist movement as also against the Government policy.

Mrs BESANT had no doubt that the resolution before them was very carefully considered but if there was going to be a Committee they must give it some definite lead. She then spoke at great length justifying the Ordinance of the Government of India and said there were ample safeguards in it. She was not wholly prepared to approve of the Ordinance but she supported Government policy, because she thought there was a dangerous conspiracy in the country. From events that were taking place in Bengal and outside that Province, there was sufficient ground for believing and proving that the anarchist conspiracy did exist in India. She then instanced the murder of Mr Day, the Postmaster murder, and one or two other cases, and asked whether these murders were not sufficient justification for Government action. They had also to take into consideration the Cawnpore trial and the judgment of the High Court in appeal. That conclusively proved that there was a Communist Party in this country behind which was the Third International in Russia. Considering the Penal Clauses she thought the sentences were very light. She asked them to take into consideration Roy's letters and the doings of the Third International at Moscow which was behind the whole thing. She did not think that the measures were aimed at the Swaraj Party for the Ordinance had expressly excluded offences under sections 124 and 124-A.

Mr Radhakant MALAVIYA opposed the previous speaker. He was not going to mention the three murders referred to by Mrs Besant because he did not know whether they were ordinary murders or political murders. He did not know also what had happened in Bengal and he could not speak very intimately on the question. Referring to the judgment passed by the Allahabad High Court, he said, he himself was the High Court pleader there and the judgments

passed there would never be passed by any High Court in any country. The sentences which were being given there would never be given by any other High Court in India. He was going to prove it if necessary (A voices) "British Justice"). He thought it was not proper that because two judges had pronounced that there was a conspiracy they should take it for granted that there was one. If when Mrs. Besant was arrested she had appealed to the High Court, they would have passed a judgment which she would not have liked but which she now asked them to accept as God's truth. In this particular matter he would place the evidence in the case before any two lawyers and he doubted whether they would accept it as final. What did the Chief Justice say in regard to Dange although he had disapproved of the terms of Roy? The Judge said that Dange had to keep himself within the law and therefore he had written that letter. It was not justice at all and it was on that judgment that Mrs. Besant had based her arguments. At any rate as far as Dange was concerned, he would never have been convicted anywhere had it not been for the Allahabad High Court (Mr. Das—Outside India you mean?). Continuing, Mr. Malaviya said the sentences given in Allahabad were unheard of in other countries and he hoped that Pundit Nehru would bear him out.

Mr. GIRISH CHUNDER complained that they were criticising the Communist Party which was not represented in the hall at the Conference. They should not care for the judgments in the conspiracy cases for he himself was concerned in such cases. Wherever there were such cases the accused were to be found guilty and sent to the Andamans. They were now suffering in Bengal because they had accepted non-violent N C O. There were Communists in England and there was also a member of Parliament and nothing was done to them.

Mr. A. M. SURVE M. L. C. said they could undoubtedly pass that resolution if they were opposed to the policy of the Government. But they were losing the most important opportunity and not giving attention to the most important item and gave attention to a secondary item. Supposing the resolution recommended by the Committee was not passed unanimously by the Conference, what would happen then? Let them have unity first, and if they had unity that piece of legislation would not be on the statute book for one minute. Let them appoint a Committee to bring about union, he concluded.

Mr. (Sheriff) DEVIJI KANJI seconding said they had taken the second item first and the first item second, which ought not to have been done.

Mr. A. RAMASWAMI MUDALIAR M. L. C. (Non Brahmin, Madras) agreed with Mr. Surve. They had been called there to find points of agreement and the first business of the Conference was to find those points of agreement. His own party had already condemned the Ordinance and their paper had also condemned it. It was perfectly fair to say that those who had come there had done so to find points of agreement between the parties. He had a feeling that the conference was asked to condemn the Ordinance which was said to have been intended against the Swaraj Party in Bengal and after that resolution was passed they could be sent back bag and baggage. He moved an amendment that the consideration of the resolution proposed by Mahatma Gandhi be postponed until the question of unity was discussed first.

Mr. B. MUNISWAMI NAIDU seconded the amendment. Mr. M. K. Patel agreed with the previous speakers as the essential purpose of the Conference was unity between the parties in the country. They had to overcome disunity in the country first among political parties and then they could consider the repressive policy of the Government.

Mr. S. SATYAMURTI M. L. C. (Madras) said as Mrs. Besant had spoken with frankness, he also would speak with frankness. They should accept the proposal placed by the Mahatma before them and they should vote for it. He did not like the bargaining spirit suggested by some members that if you make it possible for us to enter the Congress we shall condemn the Ordinance of the Government. Were they or were they not in opposition to the barbaric methods of the Government of Bengal? If they were in favour of that policy, then they parted company. If they condemned it then they should pass the resolution. Mrs. Besant had spoken to them of repressive laws in England, but they must remember that in Eng-



land every two or three years people sent representatives into Parliament who were responsible to the people but in India they were governed by a foreign irresponsible Government and the moment a man made himself too inconvenient to the Government he was put into the jail. He gave the name of Mrs Besant herself in the days of the Home Rule League Agitation. In England they had to pass such laws through the Houses of Parliament before they could come into force. If there was an anarchical conspiracy in Bengal he asked why they were not able to arrest a single person whom they could bring for open trial before a court of law, but they had been arrested under an Ordinance and the Government was under no obligation to bring them forward before a court of law. The murderer of Mr Day, they must remember, was arrested by Indians and condemned by an Indian jury and therefore they could not say that the Indian jury was intimidated by anarchists or even witnesses were so intimidated. He did not ask them to pass the resolution in pity for the Swaraj Party, but if they had any self-respect left as Indians they should adopt the resolution on behalf of their Indian brothers who were now in jail. Why had the Viceroy not laid all his cards on the table and placed the whole matter before the Assembly, although he had those statements before him for a long time past?

Sardar RAJA SINGH supported the resolution and compared the sufferings of the Akalis at Gurkha Bagh and other places with those of Bengal under the Ordinance.

Mr BEPIN CHANDRA Pal, supporting the resolution, said the proposition was a simple one. Mr Natrajan would be on the Committee and Mrs Besant would also be there. There were differences of opinion about the objective of the repressive measures and he asked the Committee to leave that question out altogether. They might be sure when Mahatma Gandhi was on the Committee that he would not condemn violence on one side and support violence on the other side. He appealed to them not to isolate Bengal as they had done once before.

#### M GANDHI'S REPLY

M GANDHI, in replying to the debate, said the Committee was empowered to consider "pros and cons" and if the Committee thought there was violence and it should be condemned, it would not fail to do so. He proposed only to answer the points raised by Non-Brahmin friends Mr Surve and Sheriff Devji Kanji. He feared they were putting the cart before the horse. They had all come there to see whether it was possible to combine on a common platform. If it was possible for them to agree to a proposition then it would be possible for them to find a common platform. If they failed to agree in such things, then what hope was there of agreeing in the larger field. He had in view a contingency that they might not be able to agree at this present juncture upon a common policy and appoint common measures that would enable them to join Congress. He agreed with Mr Pal that they should not allow Bengal to be isolated. They must not commit that mistake again. The Government had asked the public of India to support them. If the Committee thought that they should support the Government they would not hesitate to do so and such a thing was not outside the scope of the Committee. Instead of bringing such a proposal at the fag-end of the Conference, he thought they should consider it when their minds were fresh.

The resolution was then put to vote and passed, only about 25 voting for the amendment which was thus thrown out.

#### THE COMMITTEE

On the motion of Pundit Motilal Nehru the Conference appointed the following Committee—Chairman, M. Gandhi; Members, Messrs C. R. Das, Kamat, Chintamani, Jinnah, J. B. Petit, Dr. Besant, Mr. B. C. Pal, Pundit Motilal Nehru, Mr. A. Ramaswami Mudaliar, Lala Harkishanlal, Mr. C. V. S. Narasinha Raju, Mr. B. Muniswami Naidu, Dr. Ansari, Mr. Abul Kalam Azad, Dr. Moonjee, Sir Purushothamdas Thakurdas, Mr. V. J. Patel and Mr. A. N. Surve.

Mrs Besant signified her unwillingness to serve on the Committee as she had already made up her mind that she would only be a hindrance, but persuaded by Messrs G K Deodhar and Mahomed Ali she agreed to be on the Committee. Mr Das also was at first unwilling but, persuaded by friends, finally agreed.

Mr M A JINNAH at this stage rose and pointed out that there would be no use if the Conference decided questions by votes. Votes meant difference of opinion. He thought agreement should be voluntary.

Pandit MOTILAL NEHRU replying to Mr Jinnah, reminded the Conference of Mr Gandhi's opening remarks that they should not emphasize points of difference, but find out points of agreement. The speaker also said that questions would be decided not by the individual but by party votes. The motion was carried.

The Conference then adjourned till the next day.

### BOMBAY, 22 NOVEMBER 1924

Next day the All Party Conference met again. In the unavoidable absence of Sir Dinshaw Petit, the Right Hon'ble V S Srinivasa Sastri was voted to the chair.

Mr C Y CHINTAMANI then moved the draft resolution of the committee of the Conference settled on the previous night on the Bengal Ordinance. The resolution reads as follows —

- (a) While firmly of opinion that anarchical organisations can never secure Swaraj to the people of India, and while disapproving and condemning most emphatically such organisations, if any this Conference, representing all classes and communities in India and every variety of political opinion, views with the strongest disapproval and condemns the action of the Governor-General in promulgating the Criminal Law Amendment Ordinance 1924, as such an extraordinary measure, being a direct invasion upon individual liberty, should not have been enacted without the sanction of the Legislature, and as it easily lends itself at the hands of the Executive to grave abuses resulting in implicating innocent persons and in interfering with constitutional political activity, as past experience of similar measures has repeatedly demonstrated—
- (b) This Conference urges the immediate withdrawal of the Ordinance and the trial, if necessary and in accordance with ordinary law, of the persons detained under it.
- (c) This Conference further urges that Regulation III of 1818, which gives the Government powers of arresting and confining persons suspected of public crimes without warrant, without trial and without statement of reasons, for such arrest and confinement, should be forthwith withdrawn.
- (d) This Conference records its conviction that the present political situation in India is due to denial of just rights long overdue to the people and that the speedy establishment of Swaraj is the only effective remedy therefor.

### MR CHINTAMANI'S SPEECH

In moving the resolution Mr Chintamani made a long speech lasting over an hour. The mover congratulated the country on the fact of being able to bring together after so many years Indians of various shades of opinion on a common platform. Whatever might be the differences on other questions, all were agreed on the question of the Bengal Ordinance. In inviting the Conference wholeheartedly to support the resolution, Mr Chintamani traced in detail the history of repression in various provinces since the year 1897 and instanced what he characterised as various unjust deportations to prove that the Government had always been anxious to keep the legislature and the people always in the dark whenever they launched on repression. What was the meaning, asked the speaker, of the Viceroy letting the members of the Central Legislature go away and then suddenly springing upon the country the obnoxious Ordinance? In the absence of any consultation with the Legislature he would unhesitatingly say

that the Governor-General had absolutely no justification for promulgating the Ordinance. If the Viceroy could not trust the present Assembly for safe passage of his Ordinance, was there not after all that tame instrument, the Council of State? In his opinion the ordinary law could cope with the situation even if anarchy existed. He had no doubt that the practical effect of the Ordinance would be to implicate innocent persons and detailed the deportations of the Nattu brothers, Mr Aswini Kumar Dutt and Lala Lajpat Rai. He also recalled the fact that Lala Harikishen Lal who was ordered by the Martial Law Tribunal to be deported for life, and whose property was ordered to be confiscated, was 18 months later called upon by his provincial Government to be a colleague of the Governor of the Government. Dealing with Regulation III of 1818 Mr Chintamani quoted the late Sir Rashbehari Ghose and characterised it as a lawless law. Concluding the mover said that all troubles in the country were due to withholding of the peoples' rights for too long a period. He would ask the Government if they had been able all these days to suppress anarchy by their special legislation. By Swaraj they could kill anarchy. They wanted to be in India what South Africans, New Zealanders, Australians and Canadians were in their own. They were all agreed that India should have Dominion status.

Mr BEPIN CHANDRA PAL, who on rising received an ovation, seconded the resolution. In doing so Mr Pal observed that he was the silent parent of the resolution. He thought that the framers of the resolution were quite right in not committing themselves on the fact of the existence or non-existence of anarchical organisations, because they had no evidence on the point. It was all sham to say that secret trials were necessitated on account of witnesses and juries being tampered with. He asked if there was a single instance, except the case of Babu Arabindo Ghose, where any conspiracy brought forward by the Government had failed, where witnesses were not got, and where the juries did not, on Police evidence, convict prisoners. He would boldly say that the Government did not want any independent witnesses, but were satisfied with Police evidence. They dared not bring forward their secret service agents. Continuing, Mr Pal strongly condemned the Viceroy's action in not consulting the Assembly. Even if he did not want to trouble himself with the Legislature, he ought to have invited persons of the type of Pandit Motilal Nehru and Mr Jinnah and placed all facts before them and tried to take their consent. If they were convinced at the worst, they might suggest a few changes here and there in the Ordinance, but were sure to give him support if necessary. The speaker thought that the analogy of British Parliament was a mistake because in that free country, where the Executive was responsible to the people, the Executive whenever it wanted to take extreme measures, invited the opposition and tried to convince them of the reasonableness of any move proposed by it. In this country it was all different. Concluding, he opined that by revolution India could not get Swaraj. No country in the world got Swaraj thereby. Mr Pal quoted Bertrand Russell to support the contention that Governments created revolution, and then to suppress their own creation they started a counter revolution as now in Bengal.

#### AMENDMENTS PROPOSED.

Mr R VENKATRAM then moved an amendment that clause (d) in the resolution be dropped. He said that their demand was well-known. He particularly objected to the clause because the word "Swaraj" was defined by Mr Chintamani as Dominion status or Self-Government within the British Empire, whereas he thought that they had departed from that position long ago and accepted Mr Gandhi's lead in that they would be in the Empire, if possible, and outside it if necessary.

The amendment was seconded by Mr Halkim. When put to vote it was declared lost, only the mover and seconder voting for it.

Mr Bishwanath Mukherji then moved that instead of the words "constitutional political activity" in the first clause of the resolution the words "all legitimate, peaceful and constitutional political activity" may be inserted. Mr Mukherji said that the resolution as originally worded betrayed them in the hands of the Liberals. The amendment was lost for want of a seconder.

Mr GEORGE JOSEPH then moved another amendment that after the words "if any" in the clause (a) of the resolution the words "as also all instigations thereto and countenancing thereof, if any," should be added. In moving his amendment Mr Joseph made a long speech justifying his amendment. He wanted, he said, to carry the resolution to its logical end. Of the existence of anarchical organisations they were doubtful, but in the country there was silent sympathy with revolutionary activities. That spirit had to be suppressed. The peril of countenancing revolutionary activities was indeed greater than the activity itself. As long as they were politicians they must keep their hands quite clean. They should not depend on these organisations to force the Government's hands for any reform or power. In Irish history Parnell was charged by the British Government with being in league with the Terrorists. On that basis they tried to suppress his political influence. Again the present Premier of Italy rose to power by making use of Fascism, but what was the result? Revolution had been succeeded in Italy by bitterness and fighting in every village. If they allowed any alliance with the terrorists in India, they would have to face the same consequences. They must not fail to remember that anarchists fed not on money but on public sympathy. So far as the present resolution was concerned, anarchists in Bengal or elsewhere, if they existed, were quite capable of ignoring their condemnation of revolutionary activities and only gloat over their condemnation of the Viceregal action. It was incumbent on them to guard against instigators.

A No-changer in seconding the resolution alleged that there were people in that very hall who secretly helped revolutionaries, though outside they condemned their activities. (Cries of "Name them" from the audience.) The speaker said "No I shall not, I will not name them, why should I?" There were loud cries from the audience for names.

PRESIDENT The best way of allowing the proceedings to go on smoothly is to allow the speaker to go on. There were again insistent cries from the audience. The speaker refused still, whereupon a few called him a coward.

Speaker Cowardice is sometimes better than courage (loud laughter)

Pandit MOTILAL NEHRU made a vigorous speech in opposing the amendment and called upon the Conference to reject Mr Joseph's amendment. In opposing the amendment he said that it was a well-known dictum of law that instigators and those who countenanced anarchism were as much criminals as anarchists themselves. He therefore wondered why such an eminent barrister and journalist as Mr George Joseph should move this amendment. The seconder when asked to give the names of the alleged instigators made an exhibition of non-violent courage (Laughter). He was willing to name those persons. The man who moved the Gopinath Saha resolution and the man who reframed it were meant by the seconder as instigators. Continuing, the Pandit pointed out that everyone admitted that revolutionists were criminals. They were mad but were they dacoits? (A voice "Murderers") Yes, murderers but did they commit murders for personal aggrandisements? They did them for the country. No doubt they were misguided in thinking the country benefitted thereby. But they must take the motive into consideration. Gopinath Saha's motive was appreciated by Mr Das in certain terms and in different terms by Mr Gandhi.

Mr Joseph intervening said "I had in mind not the Saha resolution, but the Andhra Conference's resolutions on Rama Razu."

Pandit Nehru, continuing, said that the Andhras were capable of taking care of themselves. It was perfectly clear to him that the amendment was not in the interest of law and order. The original resolution served the purpose quite well. They were a subject race and had a constitutional right to rebel.

A voice Why do't you rebel?

Pandit Nehru What do I do now? (Loud laughter)

Proceeding, he said they condemned both the Government who were responsible and the anarchists.

The amendment when put to vote was lost by a large majority. The House then proceeded to discuss the original resolution.

Mr K NATARAJAN thought there was no need for Mr Joseph's amendment. He admitted that freedom had often come in the wake of revolution and anarchy, but opined that anarchy was morally wrong and was therefore condemnable. Swaraj obtainable by murder and rapine was not worth having.

Mrs ANNIE BESANT suggested that in voting the resolution should be put in two parts, clause A and B and then C and D. Her reasons were personal. She could not conscientiously vote for the first two clauses, but whole-heartedly supported the latter two. Incidentally she mentioned that the members of her Convention were free to vote as they chose.

Sirdar Mangal Singh in view of his experience of the abuses of ordinary law opined that the Bengal Ordinance was likely to be abused to a great extent. He assured the Bengal Swarajists of Punjab's support in their hour of trial.

Dr Ansari supported the resolution in Urdu.

Mr SHAUKAT ALI in a fiery and fighting speech assured the pessimists that the very fact of his supporting the resolution confirmed non-betrayal by Mr Gandhi of his followers in the hands of the Liberals. If non-violence failed, there was some other course. He did not want peace and war at one and the same time. Though he considered the Swarajists as a bane of the country, he could not allow them to be touched by repressive measures. The Ordinance in his opinion was not aimed at any single party but was a challenge to the manhood of India. He would, however, welcome the Ordinance because it gave him an opportunity to prove his mettle. If the Government treated the resolution as no better than a scrap of paper then the force behind the resolution would somehow assert itself.

Mr M K ACHARYA M L A would have liked the resolution to have been more strongly worded. Mr A N Survey supported the resolution subject to the reservation that if there was anarchy and the Government intended to put it down, he would support the Government.

Mr C R DAS, who was received amidst loud and prolonged cheers, said that he could not subscribe to many things in the resolution, but in view of the maximum support from the other parties he would support it. There was no doubt in Bengal that the Ordinance was directed against the Swarajists. All parties had now made up their minds to share the trouble with the Swaraj Party. He congratulated all assembled on the fact that the Swaraj Party's name was not singled out in the resolution. Until such Ordinances were directed against the Liberals they could not, in his opinion, understand what it meant. "If the truth is taken as admission", continued Mr Das, "I feel sure there is a revolutionary movement, not anarchical movement, in Bengal." Proceeding, he said the question arose that if they admitted the existence of a revolutionary party, did it not follow that Ordinances were justifiable? On the contrary, the Government should hesitate before passing an Ordinance, for such Ordinances would result in strengthening the revolutionary party. Dealing with Mrs Besant's justification of the Viceroy's attitude, Mr Das pointed out that in the Kona Motor Dacoity case the accused was convicted without any evidence. He repudiated the suggestion that juries and witnesses were tampered with, and submitted that in the Post Master Murder case and in the Gopinath Saha's case the witnesses and jurors were all Indians. Where was tampering here, asked Mr Das, where the cases resulted in conviction? Speaking about the Mirzapur Murder case, the speaker drew attention of the House to the fact that Shanta, the accused in the case, who was kept in jail for two months and finally acquitted by the jury was murdered. How could it prove or give room for suspicion that that murder was due to revolutionary conspiracy? In tracing in detail the history of the Bengal revolutionary movement, Mr Das said there was no revolution before the Bengal Partition. In reply to Lord Curzon's challenge certain people took to violence, but, said Mr Das, "violence is no remedy but human nature is human nature." When Hindu temples were destroyed and Hindu houses were molested by the Mahomedans on instigation during the partition days, how could they expect people to be non-violent? Police persecution was the cause of people taking to arms. "Revolution is still going on and will go on. There are young men prepared to give up their lives for freedom. You cannot expect them to give up their hunger for freedom. I

will not have the revolutionary party condemned without condemning the revolutionary tactics of the Government. In spite of all defects I appeal to the House to support the resolution."

After discussion the President the Right Hon Sastri, announced that he was going to put the parts A and B together, then C and D separately. The first two parts put to vote were carried by an overwhelming majority, only four dissenting, viz Dr Besant, Lady Emily Lutvans, Mr Jamnadas Dwarakadas and Mr Ratansi Dharamsey Morari.

The other two parts, C and D, were then put to vote and carried unanimously, Dr Besant and her party also voting in favour.

#### UNITY COMMITTEE

After ascertaining the sense of the House the President proceeded with the discussion of the resolution on Unity of all parties. Mr Gandhi who was called upon to move the resolution did so in the following terms—"This Conference appoints a committee consisting of Dewan Bahadur T. Rangachariar, Dewan Bahadur M. Ramachandria Rao, Sri Purushotamdas Thakurdas, The Rt Hon'ble V. S. Srinivasa Sastri, Sri T. B. Sapru, Mr C. Y. Chintamani, Mrs Annie Besant, Pandit Malaviya, Mr R. P. Paranjpye, Sir P. S. Sivaswami Iyer, Mr C. R. Das, Mr Mahomed Yakub, Mr M. H. Kidwai, Mr Mahomed Ali, Mr M. A. Jinnah, Mr Shunde, Mr Bhulabhai Desai, Mr T. V. Pervate, Mrs Sarojini Naidu, Hakim Ajmal Khan, Mr Abul Kalam Azad, Mr J. B. Pettit, Mr S. Srinivasa Iyengar, Babu Bhagawan Das, Mr N. C. Kelkar, Mr Joseph Bantista, Sirdar Mangal Singh, Lala Lajpat Rai, Mr C. Rajagopalachari, Mr Bepin Chandra Pal, Lala Harkishen Lal, the President of the European Association, the President of the Anglo Indian Association, the President of the Christian Association, the President of the Non Brahmin Association (and a few others whose names were added later) to consider the best way of reuniting all political parties in the Indian National Congress and to prepare a scheme of Swaraj including the solution of Hindu-Moslem and like questions in their political aspects and to report not later than 31st of March 1925, the Conference to meet not later than 30th April and the report to be published a fortnight before the Conference meets."

Mahatma GANDHI observed that after many years all parties joined together. In point of time and importance that resolution was of the greatest importance and of utmost necessity. The Government might take today Mr C. R. Das's head, but Bengal would go on and India too, but if they did not get political liberty they should die. Dealing with the resolution the speaker said that the question would tax the best minds of the country. He was a born optimist. He felt that they were bound to come right if not for unity but for Swarajya's sake. After reading Dr Kitchlew's telegram which wanted Unity without sacrifice of principles, Mahatma Gandhi proceeded to observe that he found insuperable difficulties in the way. He could not carry conviction about his spinning franchise. He wanted some time to convince others or to be convinced by them. They must put heads together to find out a workable and substantial unity. The Committee proposed by him would frame the report for their consideration. Although it was painful to wait longer for unity, it was inevitable. Nobody could predict if the committee would come to any acceptable conclusion. In spite of all the clouds hanging around them Mahatma Gandhi hoped that the Committee would penetrate into the darkness and find out a workable programme.

The motion was seconded by Mr C. R. Das.

#### AN AMENDMENT LOST

Mr J. K. Mehta moved an amendment that the committee's report should be ready before the 15th December of the current year. His reason was that they should have a united Congress at Belgaum. The amendment was duly seconded. Mr Harisavotnama Rao supported the amendment.

Mrs Besant said that if they wanted to draw up India's constitution four months were not too long a period. When put to vote the amendment was lost, only thirty voting for it. The main resolution was then carried unanimously.

## TO MEET AT BELGAUM

Mr MAHOMED ALI then addressed the meeting for a few minutes and congratulated the Conference on having paved the way for unity. He suggested that all parties, though they could not unite at the Belgaum Congress, should hold at least their own conferences at Belgaum. He asked amidst applause the audience to issue a mandate to the several parties present to comply with his request.

Mrs Besant amidst cheers announced her intention of responding to the invitation on behalf of the National Home Rule League. Mr Chintamani promised to consult his Council and regretted his inability to express any opinion on their behalf. Mr A Ramaswami Mudaliar and Mr A N Surve promised to influence their respective parties to hold a joint non-Brahmin conference at Belgaum. Mr Joseph Baptista amidst shouts of loud laughter observed that those who would not come to Belgaum should be arrested without warrant. Pandit Motilal Nehru proposed a vote of thanks to the chair which was carried with acclamation. The Conference was then dissolved.

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### The All-India Congress Committee

Next-day, November 23rd, the All-India Congress Committee met at the same hall under the presidency of Mr Mahomed Ali, and considered the Calcutta Pact. The proceedings began at 12-30 noon.

In opening the proceedings of the meeting Mr Mohamed Ali, President of the Committee, said that the chief subject for discussion would be the Gandhi-Das-Nehru agreement and called upon M Gandhi to make a statement on the subject.

#### MAHATMA GANDHI'S SPEECH

M GANDHI then moved the resolution accepting the Calcutta pact and made a speech in support of it. M Gandhi said that he was unable to consult the No-Changers in all steps he had taken ever since meeting in Ahmedabad. Even the little he had discussed with them was of no consequence. He then described graphically the inward working of his mind. He mentioned the dearth of support to No-Changers and the daily growing strength of the Swarajists. He frankly told the former that he was no safe guide. He signed the agreement only in his individual capacity. The No-Changers' sense of loyalty to him need not in any way stand in the way of their duty to their own selves and to the country. He would simply appeal to their reason and to their feeling. Success of the agreement depended upon hearty co-operation between both parties. Personally he had not changed his views on non-co-operation, much less on civil disobedience, but a soldier like himself should know where he stood and what he could do. He was free to admit that he had lost that power of commanding universal acceptance of all his opinions.

It was his belief that Swarajists to their best of ability and light wanted to do away with the system under which they were groaning, a system in condemning which he had exhausted all adjectives. The more he examined that system, the more convinced he was that that system should be ended if not mended. It was, M Gandhi confessed, for want of ability that he had entered into an agreement with Swarajists. The objective of both parties was the same, namely, to end the system. If he found that he could achieve his object then he had no objection to work with the Swarajists. For him there was no escape from it. The agreement was a concession on the part of both sides. He would not grudge Swarajists' ascendancy in the Congress. It was their due share. If he believed that it was in the country's interests to divide the Congress, he would be the first man to do so. He was aware that Swarajists were powerful and had the best intellect of the country in their ranks. The Swarajists considered they could make no headway without capturing the Councils.

In that respect they had the sympathy and support of Liberals and other parties. They had that advantage. They had produced wonderful results. They

had altered the atmosphere in the Councils they had for the first time made Khaddar the ceremonial or state dress. They had on many occasions crossed swords with Government. It would be idle for No-Changers to be blind to the facts and to the things that stare them in the face. Without the country's intellect, either tacitly in sympathy with them or actively co-operating with them, the No-Changers by themselves could not show any tangible results. So, "as a wise man, as a practical man," he had come to that agreement. He would appeal to his No-Changer friends to view it in the same manner.

Continuing, M. Gandhi referred to the suggestions made in certain quarters that he had compromised with the Swarajists by allowing them to speak and work on behalf of the Congress. If the Swarajists were in a majority in the Congress, they had the right to use the Congress and its name. He was convinced that the Bengal Ordinance was directed against the Swarajists. Evidence accessible to them had established the *prima facie* case against Government. If it was not a fact that the Ordinance was directed against the Swarajists, then the Government ought to have by this time contradicted complaints. If it could be proved that it was not aimed at the Swarajya party he had no objection to make amends.

#### CONGRESS FRANCHISE

Dealing with the franchise M. Gandhi thought that complaints and grumbling on this matter if any should come from the Swarajist camp. No-Changers believed in the capacity of the spinning wheel alone to grant them Swaraj which was not the intensity of feeling on the part of Swarajists. Though Swarajists believed in the potency of Khaddar still they were of opinion that Khaddar alone could not bring them Swaraj. It was but recently that he suggested the spinning franchise. It was at his instance that the Swarajists had gladly taken it up. There were many who sincerely were not inclined to the spinning wheel and he therefore modified it a little to suit the purpose. If the Swaraj Party should make the spinning wheel successful, he would unhesitatingly say that in a short time there would be a complete boycott of foreign cloth. It required steady and systematised application. "No work no vote" should be our watch-word, said M. Gandhi and continued to say that he had done nothing surreptitiously. He did not raise the franchise from four annas to three rupees. After considering all these facts, if No-Changers were of opinion that it was useless to yield, then they must not fear to say so. Similarly if the Swarajists felt that the Spinning franchise would not help them then they must reject it. If it was however accepted it must be accepted as an article of faith and they must see to it that it was worked successfully. It was with the spirit of working it that Messrs. Das and Nehru had taken it. They were as serious as the speaker himself. If all would put shoulders to the wheel, they could surely come nearer to Swaraj. M. Gandhi wanted the members to be frank on the matter lest they should later on embarrass leaders of respective parties. In considering this question they should have the country's interests alone at heart.

Addressing the whole-hoggers, M. Gandhi said their business was to keep silent. They were not to criticise Swarajists who went to councils not to spite No-Changers. No-Changers must "spin, spin, spin" twenty-four hours and demonstrate to Swarajists the potency of the spinning wheel. Infinite patience and industry were required. They must by all possible means help Swarajists. "I am not a lunatic. I am a reasonable man," concluded M. Gandhi. "I am losing ground gradually. Now I have no hesitation in bending before the Swarajists and Liberals and, if it is necessary, I shall bend before Englishmen also. I believe that reason is with the Swarajists." (Long and prolonged cheers)

On Mr. Mahomed Ali's suggestion the Committee gave leave to the No-Changers to retire for one hour to discuss with M. Gandhi the position created by the pact. The No-Changers then retired and came back after an hour. It was understood that after heated discussion it was generally agreed among themselves that the pact should be allowed to continue at present.

When the Committee reassembled, Mr. Shaikat Ali appealed to the Swarajists to agree to some changes in the pact as the No-Changers felt deeply over the matter. Particularly he would mention the right given them to speak in Councils.



in the name of the Congress. He would ask for its deletion. In other respects, as for example in the matter of repression, he would work with them, if the Government declared the Swarajya party illegal, they had even no objection to openly join their ranks (Cheers)

Mr R Venkatram then opposed the resolution on the ground of conscience

Mr Harisarvothama Rao suggested that certain changes should be made in the pact. He wanted that Swarajists should not act in the Councils as agents of the Congress. Further the word "unwillingness" in the franchise clause of the pact should be substituted by "incapacity". The last change suggested by Mr Rao was that Khaddar should be national and not merely a ceremonial uniform,

Mr C R Das appealed to the house to allow the pact as it was and he promised to consult his party and M Gandhi and make the change proposed if possible. Mr Varadachari supported the pact in spirit, but opposed it in detail. He was not afraid of rebellion against his leader M Gandhi, in case it was necessary. The Congress was wide enough for another party.

M Gandhi in replying to the debate asked No-Changers either to accept or reject the pact in toto. They should trust Swarajists. They should not suspect that they would not promote Khaddar honestly.

Mr Das agreed with the No-Changers in the interpretation of every detail.

The resolution was then put to vote and carried by an overwhelming majority, only Mr George Joseph and Mr T R Krishnaswami Iyer voting against it. The Committee then dissolved.

At the outset of the proceedings the Committee unanimously passed a resolution of condolence at the death of Bi Amma, the whole audience standing.

### Swaraj Party Council

The Committee appointed by the Conference to secure the union of all parties under the Congress Flag held its first meeting at Muzaffarabad Hall soon after dissolution of the Conference to discuss its programme of work. As the result of discussion it was decided to invite several party organisations throughout the country to submit by 20th December their respective conditions for re-entry into the Congress together with their suggestions regarding the Swaraj scheme.

The meeting of the General Council of the Swarajya Party, which took place immediately on the conclusion of the All-India Congress Committee meeting with Mr C R Das in the chair, was a short one. There were over 50 members present and the following resolutions were unanimously passed —

(1) The General Council of the Swarajya Party approves and confirms the arrangement entered into by Deshbandhu Das and Pandit Motilal Nehru with Mahatma Gandhi on behalf of the party at Calcutta on the 6th November (Then follows the Pact)

(2) This Council resolves that Deshbandhu Das and Pandit Motilal Nehru be authorised to add a note to the following effect to the Calcutta arrangement, in consultation with Mahatma Gandhi — "This arrangement does not preclude any Congress-man who, on conscientious grounds, desires to practise non-co-operation in his own person, from doing so, without prejudice to and interference with the activities of the Swarajya Party on behalf of the Congress."

Provincial Affairs  
& Legislative Councils  
July—Dec. '24

# The Sikh Movement

Three provincial matters of this period, namely the Sikh Akali agitation in the Punjab, the C P. Council dead-lock, and the Bengal Ministers' case in Bengal are of all-India importance. Of these the Akali agitation, which had kept Punjab for the last 2 years on the verge of a great revolution, showed signs of abatement from July 1924. Evidently the province was getting tired of the great suffering which the Akalis brought upon themselves and also upon their supporters. The Birdwood negotiations for the settlement of the Gurdwara bill broke off on June 4th but the real reason for the breakdown was not known till September 3rd. The new Governor of the Punjab, Sir Malcolm Hailey, had declared in the Legislative Assembly at Delhi in February 1924 when he was Home Member of the Government of India, that he would exert himself to bring about an honourable settlement of the Sikh problem. The S G P C accordingly acted in a spirit of accommodation and gave time to His Excellency to study the situation. On September 3rd the Akali version of the break-down of the Birdwood negotiations was issued. It stated that on the 17th April, after Sardars Jodh Singh and Narain Singh had had some preliminary conversation with Mr. Craik and General Sir William Birdwood, they met representatives of the Prabandhak Committee, both in jail and out of it. It was then mutually agreed that leaving the Nabha question out, a solution of the other matters should be considered. They told the Shiromani Gurdwara Prabandhak Committee that the Govt wanted a compromise or some secret understanding. The Sikhs agreed to this and a draft was prepared in which the Government promised to give a written undertaking that on the passage of a Gurdwara Bill to the satisfaction of the Sikh Councillors, they would release all prisoners arrested in connection with the Jaito affair, including those being tried in the Lahore Fort.

Sardars Jodh Singh and Narain Singh presented the draft of this statement to the representatives of the Shiromani Gurdwara Prabandhak Committee on the 28th April, and they made some ordinary modifications on religious grounds. To create a healthy atmosphere for the Birdwood Committee, the Shiromani Committee proposed to suspend all agitation while the Government promised to withdraw its notifications declaring the Shiromani Gurdwara Prabandhak Committee and Shiromani Akali Dal as unlawful associations and expressed its intention to stop further arrests and convictions. Sardar Jodh Singh had obtained written authority for himself and for S. Narain Singh to correspond directly and sign the agreement on behalf of the S G. P. C.

On the 1st May, when both these gentlemen saw the representatives of the Government they were told that the Government was opposed to any secret agreement and would publish that resolution for the information of the Government of India, but in this the Government had taken a different position. When this was shown to the Shiromani Gurdwara Prabandhak Committee it observed that it could not discuss this matter when it was to be considered by the Government.

of India but if any complete settlement was to be arrived at, it was prepared to send a reply

On the 17th May the Government handed over to Sardars Jodh Singh and Narain Singh a draft on which the Government of India had expressed its opinion. The Government, instead of the promise of releasing all prisoners, was now prepared to review the cases of some of them and would release as many as possible. There was no mention of the release of Sardar Bahadur Mehtab Singh and other prisoners of the Lahore Fort Jail. There was a verbal promise to withdraw the cases against them. The Shiromani Gurdwara Prabandhak Committee was not prepared to rely on a verbal understanding. While the negotiations were proceeding, the Government started a case against 22 Sikhs and one Sikh lady at Jaito.

On the 22nd May S. Jodh Singh was called to Simla and was shown a notification that the Government was going to issue about the breaking up of the Birdwood Committee, as no settlement had been arrived at. The Sardar stated that an honourable settlement was not possible. Next day he was informed that certain alterations could be made, but over the release of prisoners the Government's position was unchanged.

On the 26th May Sardars Narain Singh and Jodh Singh consulted the Prabandhak Committee who informed them that if the Government wanted to make a statement it should give it in writing that it would release all prisoners when the Gurdwara Bill was passed. The Shiromani Committee further said that the Jaito prisoners should be released, along with the others, or there should be an independent enquiry.

On the 29th May Government wrote and telegraphed observing that it was not prepared to make any changes, and if those proposals were not accepted by the 2nd June, the negotiations would automatically break up. Thus the negotiations were dropped because of differences on the question of the release of prisoners.

### H. E. Sir Malcolm Hailey's Policy

The first important pronouncement of the new Governor, after his assumption of office in June, was on August 29 in reply to an address of Sikh jagirdars and zemindars at Ambala. Its object was to clarify in his own forcible language the issues raised by the Akali policy of direct action, to re-affirm the doctrine of the supremacy of law, to express sympathy with the efforts of those who are genuinely concerned to maintain the purity of their religion and the proper administration of their religious foundations, to emphasise that the Govt. wished to save the Sikhs from 'the discredit and loss of position which must be the fate of a community which yields to the advice of those who for whatever motive attempt to inculcate a mentality which is contemptuous of the rights of other communities and subversive of the authority of the State', and to give an assurance to the Sikhs that the Government will never attempt in the future as it has never done in the past, to check the community in the fullest 'exercise of its religious practices within the bounds of law and good citizenship.' His Excellency dealt at some length with the implications of a policy of direct action and of the defiance of orders of a civil court. He

further expressed the determination of the Government that it will maintain the authority of law and enforce the final decisions of law courts. If the community felt that the law was bad, it could ask for its alteration. "We will not connive at what is called direct action in derogation of the rights of others and the claims of law" said His Excellency, "but we offer you our aid to secure any legislation which will within reason and without undue prejudice to the rights of others secure you the undisturbed right to manage your own religious institutions and endowments".

These and other remarks of Sir Malcolm Hailey's were intended to rally to the side of constitutional action all Sikhs who did not believe in the Akali policy of achieving the desired end by mass action and defiance of authority and also those whose faith had by now been shaken in its effectiveness. As against the Akalis His Excellency made strenuous efforts by private negotiations and public addresses to rally the Moderate Sikhs to the side of Government and also to create a rift in the huge Akali organisation. To the Zamindars and Jagirdars His Excellency pointedly said that "an association such as yours, composed of men of influence and reason with substantial stake in the country" would be the best to solve the religious reform question.

### The Sikh Sudhar Committee.

The efforts of His Excellency at once bore fruit. A new Sikh party now arose. The Provincial Sikh Sudhar Committee, as it called itself, was an organisation of Moderate Sikhs of the Punjab. Its ostensible object was to bring Gurdwara Reform through constitutional means as opposed to those adopted by the S. G. P. C. It held its first general meeting at Amritsar in the last week of September and passed several resolutions one of which related to an address to be presented to His Excellency the Governor of the Punjab, who had shown a keen interest in the Sikh problems for the amicable settlement of which the Committee had been formed. The Committee further congratulated those who had boldly opposed the Akali activities in different villages thereby evidencing the desire among the Sikhs to see the Akali menace finally undermined. In another resolution the Sudhar Committee expressed its desire to see Gurdwara reform expedited and accomplished through constitutional means and for this purpose it requested the various Sikh Sudhar and publicity committees and other Sikhs interested in the welfare of the Sikh community to express their views on the Gurdwara legislation. A sub-committee of 22 gentlemen was formed to go through the whole Gurdwara question as well as to consider the opinions and prepare a draft Gurdwara Bill for consideration of the general committee.

Another resolution stated that as the S. G. P. C. had been circulating unfounded rumours about alleged interruptions of *Akhand Path* at Jaito, a loyal Jatha comprising representatives of various districts and States should proceed to Gurdwara Gangsar at Jaito and after finishing *Akhand Path* should proclaim to the public that the marching of Shahidi Jathas to that place was based upon non-religious grounds and was an entirely political game directed towards discrediting the British Government.

Like all other national movements in the last 2 years the Akali movement too was now showing signs of decrepitude. The people were tired of the long drawn struggle which demanded a continuous sacrifice and suffering too irksome for a people long inured to subjection. Further, the movement required a standard of patience and discipline which it was difficult for the mass of the people to keep up. It was thus an opportune moment for the vigorous policy of Sir Malcolm Hailey to rally the Sikh moderates and at the same time to break the strength of the Akalis. The anti-Akali propaganda rapidly spread and District and City Sudhar committees quickly rose up under the parent provincial committee. Funds were raised from the aristocracy and by official efforts and a huge organisation was gradually built up from October onwards. The decision of the provincial Sudhar Committee to send a *Jatha* of loyalists to Jaito to complete the *Akhand Path* was a great tactical move and caused considerable flutter amongst the Akalis. A number of meetings was held by them at Amritsar to decide what steps should be taken to meet the situation. In view of the fact that the Sudhar Sangat contemplated visiting Akal Takht for prayers before its departure for Jaito, the Akalis decided to hold a dewan in front of the Takht and collect a large congregation so as to prevent the Sudhar Sangat from advancing.

On October 19th the Sudhar Sangat of one hundred loyal Sikhs, accompanied by members of their Committee and patrons, including the president Sardar Shivanarayan Singh, Sardar Gajjan Singh of Ludhiana and Lt. Sardar Ragbhir Singh of Rajabansi, started on their mission. Prior to its departure for the Akal Takht, the Sangat held a dewan which was alleged to have been interrupted by a large crowd of Akalis and others. When the Sangat started for the Akal Takht they were alleged to have been further molested and insulted on the way by the same crowd. Master Sunder Singh and Sardar Mangal Singh, two leading Akalis, hastened to the spot and spoke to the crowd about non-violence and stopped the crowd from obstructing the Sangat whom they invited to proceed to the Golden temple. But the leaders of the Sudhar Sangat eventually decided to retire having already been sufficiently assaulted, as they declared, by the Akalis. Sardar Mangal Singh and other Akali leaders present at the spot expressed their regret for what had happened and implored the Sangat in vain to visit the Akal Takht and say its prayers. The Sangat, however, retired without entering the Golden Temple.

On October 20th the Sudhar Sangat reached Jaito. A cordial reception was accorded to it by the Sikh moderates backed by the officials at every railway station on the way, and at Jaito itself the Sangat was received with great enthusiasm by high State officials and residents of Jaito. The Sangat was then gracefully escorted to the Gangsar Gurdwara, where after reciting prayers it retired for the day to take up the *Akhand Path* next morning. Prior to the Sangat's arrival a notice, signed by the Administrator of Nabha, had been communicated to the Sangat. The authorities informed it that they were prepared to admit more than 50 Sikhs provided a written undertaking was sent to the State authorities—(1) That the Sangat would retire from the gurdwara on the completion of *akhand*

path, which would take three days, (2) that the ceremony would be purely religious and that no political lecture or any other propaganda would be carried on, (3) that immediately after the religious ceremony was over the Sangat would leave the bounds of the State territory. The Sangat duly gave the undertaking desired.

From the next day the *Akhand Path* began to be recited. It was commenced by Sardar Jhanda Singh, Vakil of Ludhiana, Jathedar of the Sangat. The continuous uninterrupted reading was kept up by the members of the Sangat for the next two days and the ceremony was concluded on Thursday the 23rd October amidst great scenes of enthusiasm. For the first time within the last 12 months the *Akhand Path* was completed without any trouble and it completely exonerated the Nabha authorities of the charge made by the Akalis that religious practices are interfered with at Jaito. The Sudhar Sangat then returned to Amritsar.

The Akalis in the meanwhile had sent a poor Jatha of some 60 men to Jaito to watch the proceedings of the Sudhar Sangat, but they were served with the same notice that was served to the Sangat, and on their refusal to accept any condition whatsoever, the Nabha authorities arrested them as before.

### The Gurdwara Bill again

Having completed their first mission the Sudhar Committee next turned its attention to drafting a new Gurdwara Bill. Pt Madan Mohan Malaviya, who had been drafting such a bill in consultation with the leaders of the Akali and other Sikhs, had by the beginning of November completed his work and it now remained for the Sikh Sudhars to draw up their own proposals so that the two may be compared and a draft approved by all sections of Sikhs may be drawn up. This draft was proposed to be presented to the Punjab Council in the November session.

On Nov. 10th Sir Malcolm first addressed the Punjab Council and after speaking at some length on general matters of interest referred to the problem of intercommunal dissensions, which to-day, he said, were vitiating the public and social life of the Punjab. He touched on the question of communal representation and dwelt feelingly on the Sikh problem and the Sikh situation. Sir Malcolm reminded the members of the Council that the Government and its officers were mindful of their old associations with the Sikhs and, though their antagonism could not shake the Government, the feeling of estrangement which had been spreading among the Sikh community deeply affected him and his Government. He hoped and believed that events were slowly bringing the controversy about the management of the Gurdwaras and shrines on to a plane on which they had sought to place it where discussion of constitutional remedies was substituted for mass violence or open contempt of law.

Sir Malcolm then appealed to all to join working for that process. He appealed for that aid in all sincerity and with no unworthy motive. "Our object is not to win success," said His Excellency, "which might have the appearance of humiliating a section of the people opposed to us. Nor do we seek to gain that species of estimation which comes from persistent exhibition of superior strength. It can be no pleasure to even the most intransigent of bureaucrats to see large numbers of ignorant people

thrusting themselves into jail in the attempt to gain by force an object which could be achieved by agreement and ratified by legislation. The efforts made on these lines are bound to be as destructive to the mentality of the community as they are infructuous in their results. Nor is the official mind so obstinately obscurantist that it can be devoid of sympathy with those who are prepared to make genuine sacrifices to secure the reform of their religious institutions or to purify the management of their shrines, and if those who have these objects will now bring the discussion definitely on to the constitutional plane, they will not find us slow to implement our promise to aid them in effecting their purpose by suitable legislation."

No bill was however brought before the Council but Government authorised Messrs Emerson and Puckle, Deputy Commissioners of Amritsar, to meet Sikh members and discuss the principle of a Gurdwara bill acceptable to all interests concerned. Regarding this new move Sardar Mangal Singh in a statement to the Press said —

"We welcome the Punjab Government's move in authorising Messrs Emerson and Puckle to meet Sikh members of the Punjab Legislative Council over the principles of a Gurdwara Bill, but any Bill which leaves the Jaito question as it is does not stand the least chance of success. The Sikh community is so very deeply stirred over this question that the Sikhs living in Canada and the United States of America are coming over to Jaito to resume the interrupted Akhand Path. Every Sikh fully realises that the issues involved in the Jaito struggle are so fundamental and are so very essential to the existence of Sikhs as a living force in the world that no Sikh will even think of accepting the slightest restriction in this matter. Officials are attributing motives to Sikhs, although the S.G.P.C. has been repeatedly declaring that the only object of the Jathas going to Jaito is to perform pilgrimage and Akhand Path without let or hindrance and they have no desire to make Jaito a base for directing further operations in connection with the Nabha deposition under cover of the Akhand Path.

"The case for Sikhs is so just and reasonable that the Government should have no difficulty in allowing Sikhs to perform the Akhand Path without any conditions being imposed on them. This will at once create an atmosphere which would be highly conducive to a calm and dispassionate discussion of the whole question. It is now more than a year that Sikhs are going there in large numbers in face of the terrible sufferings to assert their right to free worship and free congregation. Upwards of 14,000 Akahs have so far gone and more are still on their way. The Government is detaining them without trial and without giving any statement of reasons for doing so. They are all kept in a place which is said to be highly insanitary and the treatment meted out to them is reported to be very harsh, as a result of which as many as 103 men have died during the last few months. Their unlawful detention together with so many deaths raises very grave issues for security of persons and liberties of the people. The case is far more serious here than in Bengal, because here innocent people are detained without even the lawless Ordinance. Does the Government realise the enormity and illegality of the doings of the Nabha administration which is now directly under the Government of India?"

No progress however was made in this new direction and no settlement was reached even at the close of the year about a stable Gurdwara bill. On December 10th a deputation of some 88 members of the Provincial Sikh Sudhar Committee, Amritsar, waited upon His Excellency the Governor of the Punjab at the Government House and presented an address. They stated that their sole object was to secure suitable legislation which would guarantee to the Sikhs the control of their Gurdwaras and management of their endowments for purely religious purposes. "Our declared programme of working constitutionally for a liberal Gurdwara Bill", they said, "is uniting the best among



the Sikhs on a common platform. We entertain no personal ill-will against our Akali brethren. In fact we appreciate some of their achievements in the past and subscribe to their ideal of religious reformation. But we deeply deplore their unfortunate defiance of law over more or less political issues which is discrediting and harming our community, which has alienated the sympathies of responsible non-Sikh friends of the Sikhs and has estranged the Khalsa from Government."

Replying to the address, Sir Malcolm Hailey justified the formation of an organisation with men of reasoned views anxious for the name and fame of their community, to proclaim the detestation of methods, dangerous and destructive, as have been pursued by a certain section of the Sikhs. "We have not encouraged", said His Excellency, "one section of a community in an agitation injurious to the interests of another. Your aim is Gurdwara reform. Your critics admit no other objective. Surely we are entitled to support those whose declared policy is to seek that objective by lawful and reasonable methods. We found the whole community troubled and distraught. We saw that one section was seeking a remedy by the normal and civilised course of legislation. We instructed our officers to use their influence to find out that there exist somewhere men with reasonable views who have the courage of their convictions. It is disturbing to them to find that there are still some who can express a belief in the sincerity of the Government. It is disheartening to discover that there are those who question their autocracy over a misdirected following, but that does not prove that it was improper for us to support you and the vigor of their vituperation must afford you a refreshing proof that their dislike is combined with some feeling of desperation. I urge you in the interest of your own community not to relax your efforts. If and when a Gurdwara Bill comes forward, we shall consult you fully before giving our support to it, for that is your due. But you will realise that the matter cannot end with the passing of the Act. The new law must be put into operation and men of reason and experience of affairs will be required on the committee of management."

In the end, Sir Malcolm advised the gentlemen of the deputation to press forward without faltering, for the interest at stake was great. It was no less than the reputation, honour and vitality of a community, distinguished by fine traditions in the past and with a great future before it, in the altered conditions of times to come.

By the close of the year, however, the question of Gurdwara reform remained where it was. It is not known what happened to Pt. Malaviya's bill, and the Sudhar Committee too made no further progress worth recording.

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## The C. P. Dead-lock & After

Public life in the Central Provinces ever since the Council dead-lock in March 1924, thanks to the wrecking policy of the Swarajist, has been on the wane. In the second quarter of the year Government started propaganda work amongst the electorates, expanding on the blissfulness of the reforms and trouncing the Swarajists for their evil genius. Some account of this propaganda has been given in the 2nd issue of this *Quarterly* (see Vol I p 374). The two Council dead-locks, the dead-lock in the Central Provinces and the dead-lock in Bengal, stand on different footings. In the C. P. the Swarajist solidarity and majority was impregnable because of its homogeneity, there being less of the communal canker in that province than in Bengal. So, while in Bengal Lord Lytton's Government had ample material to work their policy of *divide et impera* amongst the members of the Council, by secretly fanning the flame of class and communal differences, as Sir Bampfylde Fuller and Sir Andrew Fraser had once very successfully done, the C. P. bureaucracy found themselves up against a solid Swarajist wall, and no amount of diplomatic sounding could detect any breach in the Swarajist front. Hence the bureaucracy had to carry their campaign to the electorates. A raging and tearing propaganda was conducted amongst them by officers of Government from the Governor downwards. Thousands of leaflets devoted to all kinds of prejudicial propaganda against the Swarajists were issued sometimes professedly from the Government's Publicity office and on occasions anonymously from no one knew where. Every failure of the Government was explained by the excuse that, passionately earnest as the Government were to do all they can to bring about a rosy prospect in the life of the people, they were prevented from so doing by the perversity of the Swarajists.

But this propaganda was gradually drifting into the ludicrous and had to be abandoned, specially after the revelations made by the ex-Ministers, Messrs Chitnavis and Kelkar, before the Reforms Enquiry Committee in August (see p 401). There was little chance after this of Government keeping up their face by any semblance before another session of the Council, nor could Government dare dissolve the Council and face another election. So matters were allowed to drift, and H. E. Sir Frank Sly was advised to do as Sir Malcolm Hailey was doing in the Punjab, namely, to rally the moderates and the aristocracy.

The Governor's view of the situation was expressed in a speech he made on July 9th at Malkapur in reply to the Municipal address. His Excellency adroitly covered all the defects of the administration by saying that they were the outcome of the Swarajist policy.

"You know", said His Excellency, "the Legislative Council has thrown out the whole budget. Therefore, if any new schemes were started by the Government, there are no funds available for carrying them out and so long as this position of dead-lock continues, so long as the local Legislative Council is not prepared to accept the Ministers and is not prepared

to vote the funds required, nothing can be done. My power entitled me only to authorize the expenditure necessary for carrying on the work of the department I possess powers under the Government of India Act which authorises me to certify expenditure for existing schools. It does not give me the right to authorise the expenditure of Government funds on new High Schools. Therefore, so far as your town is concerned, the position is that whatever might be the views of the Government regarding the location of the High School in the Buldana District, the Government is precluded from taking any action towards that object, until the present political situation substantially changes."

"In the past two years, there has been a substantial increase in expenditure in Berar. Practically the whole of the new expenditure has been allocated to Berar in the last budget. All items of new expenditure in Berar had to be disallowed, because my powers under the Government of India Act did not permit me to sanction them. I take it that the members of this Municipal Committee at any rate do not approve of the policy that has been followed in the Legislative Council of continuous obstruction to beneficial measures as well as to measures considered by them to be unsuitable. It is a matter of deep regret to me that this has happened in my last year of office, when I had hoped to carry out several schemes of development from which Berar would benefit very largely. So long as the Swaraj Party continues its present policy and so long as that party forms a majority in the local Legislative Council, this condition of stagnation, under which no improvements can be effected, will continue. I want to put this clearly before you, in order that you may understand how impossible it is for me, indeed for any Governor, to give the assistance that you require in regard to your local needs in Malkapur, in regard to the whole of the needs of Berar."

For the next few months, however, Sir Frank Sly lay low while the Reforms Committee were hearing sensational disclosures of the working of diarchy. Towards the end of November, Sir Frank again roused himself to the task of bureaucratic propaganda and delivered some speeches which revealed queer reasoning. Thus on November 22 at a Durbar at Jubbulpore His Excellency in the course of a farewell speech (Sir Frank's term expired in February 1925) referred to the failure of the Reforms in these terms —

"At the first election many of the electors, under the influence of the non-co-operation movement, abstained from voting, and members were returned to the Legislative Council who could not claim to be really representative of public opinion, and some of whom were unfit to exercise the responsibilities of their position. At the second election the electors returned a majority of Swarajists pledged by their creed to a policy of obstruction. The main reason for this political failure is to be found in the backwardness of the bulk of the electorate which has so far failed to realise its responsibilities. And this has been accentuated by the failure of the old and leading families of landholders, and other leading gentlemen to take their rightful position as leaders. They have on the whole held themselves aloof and have not taken their proper part in the political education of the electorate."

Darbaris, I appeal to you to play your proper part in the political advance of our country. It is hardly necessary for me to remind you that if this state of things continue, progress towards any advance of responsible self-government must be indefinitely postponed."

In other words, the first elected Council was bad because of the Moderates, the second elected Council was bad because of the Swarajists, so Darbaris should see that the third elected Council was such as could meet with the approval of the Govt."

The next farewell speech of Sir Frank Sly was at Hoshangabad on December 2 when again addressing his Durbaris His Excellency reminded them of the awful state of the country in pre-British days when Pindaris were roaming about. "Is there not a real danger" exclaimed Sir Frank in horror, "that Swaraj, if it is prematurely grasped without the co-operation of the British, will also result once more in anarchy and confusion? Irresponsible political theorists are the chief cause of the present unrest, and it is for you to know how short is the time since you escaped from the horrors of the Pindari oppression" !!!

The anxiety of the Governor to save the country from the modern Pindaris was thus expressed 3 days later at Katol, district Nagpur, where he addressed the Malguzars of Katol and Saoner Tahshils thus —

"The non-co-operation movement has made no real progress in these two tahsils and has now spent its force. Its place has been taken up by a movement which is perhaps in some respects more insidious, more dangerous to the future progress of the country. It has been replaced by what is termed the Swaraj policy. And now, what is the policy which is proposed to be adopted in order to obtain that Swaraj? It is a policy of obstruction, continuous obstruction to everything that Government desires to undertake, whether good or bad.

"The Swaraj party endeavours to destroy the Government in order that they may replace it by a Government of their own. That party had a considerable success in this Province at the last elections to the Legislative Council. But what have been the results of that success? So far as I can see they have been purely negative, and by the nature of their creed it seems to me that they must continue to be negative. As a result of their action we have lost the Ministers and the transferred subjects, hitherto administered by the Ministers, are now handed over to my keeping until the time that it may be possible to appoint Ministers again under the reformed Government. That to my mind is the first and worst result which has accrued from this policy of the Swaraj party. Secondly, they refused to pass the Budget, and thereby they have arrested all development within the Province. It is due to their action that during the last year no advance has been possible in any of the main activities of Government. They refused to vote any funds, not because Govt was not anxious to make a substantial advance in many directions, but because they declined to give any funds to this Government. Well, that position remains to-day. So far as my powers of administration are concerned, it is impossible for me under the existing conditions to allot funds for any new expenditure. When

you put forward to me any reasonable claims for financial support from Government, the first thing that I have to examine in regard to them is whether it is possible to sanction the expenditure for these objects under the powers of Government entrusted to me by the Government of India Act, and in nearly every case I am advised by my legal advisers that I have not the power to sanction funds for carrying out these improvements, however much you and I may desire that they should be carried out.

"How long is this state of affairs to continue, I cannot tell you But I do not despair. The solution that I myself earnestly hope to see is that this policy of the Swaraj Party will be abandoned in favour of one under which they will act together with the Government and do their best for the advance of the province. They should take their full share in the responsibility for the future of the province and abandon once for all this hopeless policy of obstruction. I do not despair that in the future this solution may occur because so long as their present policy continues, I can see no possibility of any further advance on the lines of responsible government. So long as there is a majority in the Legislative Council pledged to obstruction, so long it seems to me it will be impossible to contemplate any advance in the system of the reformed Government. And indeed the only possible alternative seems to me to be that for a time there should be a return to a more autocratic system of government".

This round of anti-Swarajist propaganda came to an end on January 10 when at the final farewell Durbar held by the Governor in Nagpur His Excellency announced the future policy of the Government. This we reserve for our next issue.

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# The Bengal Council Affair

The total refusal of the Ministers' salary in the Bengal Council on the 18th March 1924 created a very peculiar form of dead-lock. The Ministers, who should have at once resigned under the constitution, did not resign but went on hanging without salary. The Governor, who could have certified the grant under his extraordinary powers, did not certify it, but instead began to vilify the Swarajists in public speeches, and himself undertook an anti-Swarajist campaign. He could have dismissed the Ministers and took over charge of the transferred departments, but he did not do that as that would have secured the object of the Swarajists, namely to kill diarchy. But it was impossible for the Government to accept defeat, and diarchy already killed by them in the spirit must still be forced upon the people. So while he kept the Ministers still hanging, the Governor dismissed the inspecting staff of the Education department the grant for whom had also been refused by the Council, and plainly told them that their misery was due to the Swarajists and urged them to join the forces that were set in motion to oust the Swarajists from their position of vantage in the Council. It remained a mystery why the Ministers were kept on quit against the constitution. Obviously the Governor was angling for the Moslem section of the Swaraj party as a vigorous attempt was made to rally the Moslems. But in this too he had long before been anticipated by Mr Das and his party, and it was not easy now to get the leaders of the Independent Moslems to accept office under the Government. Mr Fazl-ul Huq was the Government's last plank. And so on June 30 the Government Gazette announced that a meeting of the Bengal Council will be held on July 7 and on the agenda of business was an item (No. 6) of supplementary grant demanding once more the Ministers' salaries.

## Challenge in the High Court

Now, under the constitution a demand once refused could not be brought again before the Council in the same session. The Government notification was a clear violation of the constitution. The Swarajists at once decided to challenge the legality of the matter in a Court of Law. Almost simultaneously two cases were instituted in the Calcutta High Court against the President of the Council and the Ministers. One was brought by Mr J. M. Sen Gupta asking for a mandamus under Sec. 45(a) of the Specific Relief Act, on the ground that his "property, franchise, or personal right would be injured" by the doing by Mr. Cotton of the specific act of putting the motion for the supplementary grant to the Council. The other was brought by Mr. Kumar Shankar and Mr. Kiran Shankar Roy Chowdury under the same Act, Sec. 45(b), who contended that under the law then in force "it is clearly incumbent" on Mr. Cotton to refuse to put the motion regarding the Ministers' salaries to the vote, and asked for an injunction staying the hands of Mr. Cotton till the suit was decided.

The first case was instituted on July 3rd, two days after the announcement in the Gazette, before Mr. Justice C. C. Ghose. The petitioner, Mr. Sen Gupta, in his petition said that he had written to

Mr. Cotton to disallow this motion, but had got no reply. The petitioner now asked the Court to direct Mr. Cotton to decide as to the admissibility of that motion and to disallow it and to forbear putting it before the coming Session of the Council.

The case was heard on the next day. The Advocate-General, representing the President of the Council and Ministers, in opposing the application said that all that his Lordship had to decide was whether the President should come to a decision or not. As to what decision the President should come to was not the subject matter of this application. Mr N N Sircar, on behalf of the applicant, said that the Advocate-General was relying on technicalities. He said that a supplementary demand could be made when the sum originally voted became insufficient. There was no question of insufficiency in this matter, as no sum had been allotted before, and the money was not required for any new service as contemplated in the Act. The need for Ministers' salaries was perpetual. This demand was illegal. Under rule 38, no such demand could be brought. The President of the Council was bound to disallow the motion. He had no discretion in the matter. The applicant paid revenues, and so he had to see that it was not misapplied. He had already voted against this demand, and if it was brought again, his right of franchise would be affected. Further, as a member of the Council, Mr Sen Gupta had to see that the business of the Council was conducted in a legal manner.

The Advocate General contended that His Lordship had no power to direct the President of the Council as to how he should decide the matter. All that His Lordship could do, if he thought that this was a proper case for interference, was to direct the President to decide, irrespective of the fact whether the President decided it rightly or wrongly. Apart from that the judiciary had no power to interfere with the Legislature, the conduct of whose business must be decided by the Legislature itself. He submitted that the petitioner was not entitled to an order that Mr Cotton should decide in a particular way. He had never heard that the right to vote in the Council was a franchise. The facts, as directed in the petition, clearly showed that the demand for justice had not been refused. After hearing both sides the judge postponed his judgment.

The same day, July 4th, a fresh case was launched before the same learned Judge by Mr Kumar Sankar Roy Chowdhury and Mr. Kiran S Roy Chowdhury, Zamindars, for an injunction against the defendants restraining the first defendant (Mr Cotton) from putting before the Council the item in the agenda for the demand of the Ministers' salaries and restraining the second and third defendants (Ministers) from discharging their duties as Ministers and receiving any payment as salary.

Judgment in the first case was delivered on the 7th July, the day the Council was going to meet in the afternoon. The Judge dismissed the application of Mr. Sen Gupta for an issue of mandamus on the ground that the applicant's property or franchise or personal right was not in any way injured, and so he had no cause of action. The Judge however reserved his observations on the "intensely interesting questions" of constitutional law for the next case.

## Injunction Granted against Mr. Cotton.

Subsequently an application was made before his Lordship on behalf of Messrs Kumar Shankar and Kiran Shankar Roy Chowdhury in connection with their suit pending the hearing of which a temporary injunction was prayed for (1) restraining the President from putting forward item No 6 before the Council, and (2) restraining the 2nd and 3rd defendants from discharging any duties as Ministers or receiving any payment for salary. His Lordship after hearing both sides, gave judgment granting an *interim* injunction against Mr Cotton and directed that an injunction should issue on the President restraining him from putting item No 6 before the Council as it was inadmissible. The relief sought against the Ministers was dismissed with costs. This judgment of Mr Justice C C. Ghose has since become of classic importance and is quoted below in *extenso*

## Judgment of Mr Justice C C Ghose

In the course of a long judgment his Lordship first took up the question of jurisdiction, and decided that the President of the Legislative Council was not immune from the jurisdiction of the High Court as argued by the Advocate General. His Lordship next turned to the substantial point argued before him, namely, that whether having regard to the provisions of Sec 72D of the Govt of India Act and of Rule 94 of the Bengal Legislative Council Rules and Standing Orders, it was competent to the President of the Council to put the said item No 6 before the Council at the forthcoming meeting. After discussing these Rules and others connected therewith in detail, his Lordship said as follows —

"The real controversy has raged round the provisions of Rule 94, which I have just set out, taken with the provisions of Sec 72 (d) of the Government of India Act. It is contended that having regard to the facts, which are set out in my judgment in the matter of the application of Mr Sen Gupta, that it is not competent to Mr Cotton to include in the agenda the motion which stands in the name of the Hon Mr Donald.

"The argument is put in this way. It is contended that before the financial year commences, a statement of the estimated annual expenditure and revenue of the province has got to be placed before the Legislative Council, that is to say, one statement of the estimated annual revenue and expenditure, commonly called the Budget, has got to be placed before the Legislative Council. The provision in the Budget relating to the appropriation of revenues and other monies must be submitted to the vote of the Council in the form of demand for grant.

"A particular demand for the grant of salaries of the Ministers having been once rejected by the Legislative Council at its meeting held on March 24, 1924, it is argued that it is not competent to the Government to put forward a fresh demand for the grant of salaries to Ministers, unless that demand can be brought within the four corners of Rule 94 of the Bengal Legislative Council Rules and Standing Orders.

"It is also pointed out that having regard to the plain and unequivocal language of Rule 94, the supplementary demand for grant of salaries to Ministers in respect of which Mr Cotton has admitted Mr Donald's motion, can never be included within the category of demands referred to in Rule 94 and that this Court, therefore, has undoubted jurisdiction to prevent the President of the Bengal Legislative Council from allowing such a demand to be put before the Council.

"I have already indicated that in addition to Mr Cotton there are two other defendants in this suit, namely, the two Ministers. As regards the Ministers, I desire to say at once that I am not satisfied on the grounds which had been urged before



me that so far as this application is concerned, there is any reason for asking any order against the Ministers at this stage I must, therefore, dismiss the present application, so far as the Ministers are concerned

'On behalf of the Hon Mr. Cotton, I have heard an elaborate address by the learned Advocate General and he has submitted the following propositions for my consideration - (a) That in disposing of the present application against Mr. Cotton I should follow the same principles as were followed by me in the application for the writ of mandamus (b) That the present plaintiffs have not been able to satisfy the Court that they have made any demand whatsoever on Mr Cotton and that Mr Cotton has distinctly determined to refuse the demand of the plaintiffs (c) That the plaintiffs have failed to satisfy the Court that they have any interest whatsoever in this matter which is likely to be injured by Mr Cotton putting Mr Donald's motion before the Bengal Legislative Council this afternoon (d) That the President of the Bengal Legislative Council has, under the Rules, complete discretion in the matter, and that having regard to the provisions made in the Rules and Standing Orders for points of order being raised by members of the Council and having regard to the express provisions of Rule 16, this Court will not interfere with the President in the discharge of his duties (e) That there is nothing whatsoever in the Government of India Act or in the Legislative Council Rules and Standing Orders to prevent a motion for appropriation of provincial revenues for a particular object being made at any time before the Legislative Council, provided it is in compliance with the provisions of Rule 39.

'The learned Advocate-General in concluding his observation pointedly drew my attention to Sec 52 of the Government of India Act and contended that having regard to the events that had happened, namely, the total refusal of the salaries of Ministers at the meeting of the Bengal Legislative Council held on March 24, it was competent to His Excellency the Governor to direct that these should be paid to the Ministers whose salaries had been refused by the Legislative Council, the same salaries as were payable to the members of His Excellency's Executive Council, and that it was really not necessary to bring forward again any demand for the grant of salaries to the Ministers, and that if His Excellency has given directions for a motion for appropriation of revenues to be brought forward in the manner indicated in item 6 in the agenda, it was because His Excellency desired to show every courtesy to the members of the Bengal Legislative Council and as a constitutional ruler he was anxious to give the members of the Legislative Council a further opportunity to consider the matter

'With reference to these last observations of the learned Advocate-General, I desire to say at once that the question he has indicated is not before the Court at the present moment and I refuse to pronounce any opinion on the legality or otherwise of the action which may be taken to pay to the Ministers whose salaries have been refused by the Legislative Council the same salaries as are payable to the members of the Executive Council. It is not my province, nor is it my remotest desire sitting here in this Court, to refer to any action that has been taken or that may be taken by His Excellency the Governor of Bengal I am not concerned with any discussion about His Excellency's acts and I must enter my protest against any reference being made in my Court to the same

'I now proceed to consider Mr Advocate General's arguments, and in considering them I shall first take up for discussion his argument under head (e)

'I am wholly unable to accede to the learned Advocate-General's argument that a proposal for appropriation of provincial revenues can be made at any time before the Legislative Council The principle underlying section 72 of the Government of India Act is, as I understand, as follows -A figure in an estimate once passed by the Legislative Council cannot be altered except as provided by the statutory rules If, therefore, Government subsequently find that any item has been inadvertently omitted from the demands for grants, or that demands which could not be foreseen at the time of presenting the Budget have since arisen, or that the provision made for any item is likely to prove insufficient, the same formality has to be gone through as in the case of original demand and Government has to make a fresh demand known as a supplementary or additional demand and submit a fresh estimate to the Legislative Council

'That such should be the case is only natural, considering the fact that the original estimates are framed from six to eighteen months in advance of the actual occurrence of the facts and the nature of the charges for which provision has to be

made is so vast and varied As Colonel Durell points out in his book on Parliamentary grants Chapter 1, page 49 "It is a sound principle that one, and only one, estimate of national expenditure should be laid before Parliament during each session, for, to render Parliamentary control effectual, it is necessary that the House of Commons should have the money transactions of the year presented to it in one mass and in one account"

'Supplementary estimates are always looked upon with particular jealousy by popular Legislatures because they tend to diminish the control of the Legislature and, if for large sums, really amount to a breach of contract between the Government and the Legislature.

'(If authority is needed for this statement as a matter of constitutional practice reference may be made to the speech made by Mr Austen Chamberlain in the House of Commons in August, 1921, where he described supplementary estimates as the weak joint in the armour of any Government)

'The Advocate-General lays very great stress upon the provisions of Rule 39. Now this Rule 39 is taken from the Rules and Standing Orders of the House of Commons and if Mr. Advocate-General's contention was correct then there would be nothing to prevent a coach and four being driven, to use the words of Lord Justice Bowen, through this Act of Parliament, and in my opinion it is because the framers of the Rules and Standing Orders under the Government of India Act desired to follow with scrupulous care the English Parliamentary practice as regards the Budget heads of expenditure and Revenue and the demands for grants or supplies that they did not omit to insert in the Rules and Orders a provision for supplementary or additional grants This provision is to be found in Rule 94, and, therefore, conclusion is irresistible that save and except what is provided for in Section 72 of the Government of India Act and Rule 94 of the Rules and Standing Orders, there cannot be any demand for a grant even if His Excellency the Governor makes a recommendation for appropriation of the provincial revenues on occasions not provided for in the said Section and the said Rule

'The learned Advocate-General drew my attention to the report of the Joint Committee of the Houses of Parliament on Mr Montagu's Bill My duty sitting here to day is to construe the provisions of the Act, but since the matter has been raised, I desire to observe that I am very familiar with the whole literature on the subject of the Government of India Act, including the report of the Joint Committee and I say that there is no warrant to be found anywhere for the proposition which has been strenuously maintained by the learned Advocate General

'The authorities on this question of constitutional practice, such as, Sir Courtenay Ilbert, Sir Erskine May, Lord Courtney, are all against the view contended for by Mr Advocate-General, and I do not, therefore, propose to pursue the matter any further

'I will now take up for consideration Mr Advocate-General's contention under head (d) If I am correct in the view which I have taken, namely, that Mr Donald's motion for a supplementary grant is in the circumstances of the present case entirely illegal in view of the provisions of Rule 94 of the Rules and Standing Orders, then it follows that the President of the Council, who is required to conduct the business of the Council in accordance with the provisions of the law in that behalf, is not competent to allow any facilities to Mr Donald to bring forward an illegal motion

"In other words, Mr Cotton has no jurisdiction to admit Mr Donald's motion under the provisions of the Government of India Act and under the provisions of the Rules and Standing orders"

After discussing Rule 15 so strongly relied upon by the Advocate General, his Lordship continued —

"Mr. Cotton has had abundant opportunities of deciding on the legality or otherwise of Mr Donald's motion, and he has not chosen to tell me through the mouth of his counsel what his decision is If the matter rested purely on the discretion of the President, it is clear that no Court would interfere, although in England it has been held that if there is an outrageous exercise of discretion by a public officer, the Court will not hesitate to interfere In my opinion, however, no question of discretion arises in this case, the law is clear and Mr Advocate-General has been forced to admit that Mr Donald's motion is wholly inadmissible under Rule 94 of the Rules and Orders But Mr. Advocate-General tries to get out

of the difficulty by suggesting that Rule 94 requires an estimate and that inasmuch as no estimate, within the meaning of Rule 94, has been presented before the Bengal Legislative Council, Mr. Donald's motion is not hit by Rule 94 of the Rules and Orders.

'In parenthesis I may observe that Mr. Advocate-General stated that the estimates has not been presented under Rule 94 because the estimate had been presented on a previous occasion, namely, at the meeting of the Legislative Council in March last. There is really no substance in this. The estimate, such as it was, was presented at a different session of the Council, the session which is about to commence to-day is a new session and this in itself is a sufficient answer.

'But I do not propose to pause here, Mr. Donald's motion is headed by the former with an eye to its inclusion under Rule 94, and I cannot allow the consideration of this question to be observed by reference to the want or otherwise of an "estimate." To do so would really amount to juggle with the Act, if I may be allowed to use the expression.

'I now proceed to discuss Mr. Advocate-General's point under heads (b) and (c). This is a representative suit instituted by the present plaintiffs. Leave under order 1, Rule 8, has been given to the plaintiffs to sue on behalf of themselves and all others who pay Government revenue or pay taxes. The "interest" which Mr. Sen Gupta in his application failed to show, is in the present plaintiffs sufficient to sustain them to maintain this suit. The present plaintiffs have made a sufficient demand on Mr. Cotton, Mr. Cotton would not be here through his counsel before me if a demand had not been made, and I am satisfied on the contentions raised on behalf of Mr. Cotton that he has refused to comply with the demand. As I have already said in the other judgment, it is not necessary to use the word "refuse" or any equivalent to it, refusal may be inferred from conduct, and on the facts of this case I think the plaintiffs are not wrong when they say that there has been a refusal on the part of Mr. Cotton.

'That being so, it is necessary to consider whether the plaintiffs would be injured by Mr. Cotton putting the motion, being item No. 6 of the agenda before the Bengal Legislative Council, at its meeting this afternoon, and secondly, what is the extent of imminence of danger which will induce the Court to make an order in favour of the present plaintiffs.

'The present action is what in England would be described as in the nature of a "Quia Timet Bill." It is a very old head of equity jurisdiction and according to Story, it has been traced back to so early a period as the reign of Edward IV. They are in the nature of writs of prevention, to accomplish the ends of precautionary justice and are ordinarily applied to prevent wrongs of anticipated mischiefs and not merely to redress them when done.

There are two necessary ingredients for a Quia Timet Bill action. There must, if no actual damage is proved, be proof of imminent danger, and there must also be proved that the apprehended damage will, if it comes, be very substantial and irreparable; that is, it must be shown that if the damage does occur at any time it will come in such a way and under such circumstances that it will be impossible for the plaintiff to protect himself against it, if relief is denied to him in a Quia Timet action.

'The power is entirely discretionary, it is a large power and I have ever in my mind Lord Mansfield's caution that the greater the power the more cautious must be the exercise of it. Time is pressing and I am unable to develop all the points which are passing through my mind, because Mr. Advocate-General had desired an immediate decision.

'I must, say, however, this, that on both heads the plaintiffs have been able to satisfy me that this is a fit and proper case for the exercise of my discretion. There can be no doubt of the imminence of danger having regard to the conclusions at which I have already arrived. That there will be substantial damage and irreparable, within the meaning of the Rule laid down above, it is impossible to doubt. No doubt, there is the possibility of the motion being not accepted, but there is also the possibility of the motion being accepted by the Council.

'In these circumstances when the various considerations are so balanced and when the motion itself is in complete violation of the spirit and letter of the Government of India Act and of the Rules made thereunder, it is my obvious duty to protect the Plaintiffs by a temporary order till the suit is heard.

'In these matters the Court, in the exercise of its discretion, is under an obligation to take large and liberal views so that the rights of the subject may be preserved and the constitution as laid down by the Government of India Act safeguarded by such means as are in the power of the Court

'The right to vote supplies is perhaps the greatest privilege accorded to a legislative body and any infraction of the rules and regulations guarding the provision as to voting of supplies is an "injury" which the plaintiffs in comprehensive suit are entitled to be protected from.

'I have given to this matter my very best and most anxious consideration within the time at my disposal

'I have come to the conclusion that the plaintiffs having made out a "prima facie" case I really have no other alternative but to make an order restraining Mr Cotton, the President of the Bengal Legislative Council, within which expression are included the persons mentioned in page 228 of the Bengal Legislative Council Rules and Standing Orders, from putting the said item No 6 before the Council for its consideration until the final determination of this suit.

'I have now discharged my duties as a judge But perhaps in view of the public importance of this case I may venture on one observation I do not disguise from myself that it is a serious thing to have to interfere with the President in the discharge of his duties But the law, as I conceive it to be, requires my interference In my opinion the Rules and Standing Orders require revision in the light of the events which have happened I express no opinion on the political situation brought about in March last but I only desire to express the hope that the Constitution will be placed on a firm and enduring foundation"

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### The Bengal Legislative Council

The news of the grant of the injunction by the High Court was received by a demonstration of joy by the Swarajist and Nationalist members of the Bengal Legislative Council then assembled in the Council Chamber. As soon as the order was pronounced, it was communicated on phone to the Council The order of injunction was issued at the psychological moment when the Council was just to begin its proceedings The President who is always punctual to a minute in entering the Council Chamber was now rather late by about a quarter of an hour The atmosphere of the House was electric At 3-15 P M the Hon Mr Cotton was announced and the House stood up Immediately after taking his seat, the President rose and declared that in view of the injunction granted by the High Court His Excellency had asked him to adjourn the House till Monday next. The declaration was a signal for a fresh outburst of cheers from the Opposition benches. No sooner had he adjourned the House than Mr. Cotton swiftly glided into the lobby behind the Presidential chair, so that there was none to call the Swarajists to order and they made a motous demonstration of their feeling

And on the 10th JULY a *Gazette Extraordinary* issued by the Govt of Bengal announced that the Governor had been pleased to declare that the Legislative Council shall stand prorogued until such date as may hereafter be notified

### The Appeal Case.

On JULY 11th, in connection with this injunction granted by Mr. Justice C C. Ghose pending the hearing of the suit filed by Messrs Kumar Shankar and Kiran Shankar Roy Chaudhuri against Mr Cotton, the Crown filed an appeal at the High Court before the Chief Justice and Mr. Justice Walmsley. The Advocate-General asked their Lordships to fix an early date for the hearing of the suit. He said that the Bengal Council had been adjourned *sine die* because no date could be fixed until this matter was settled. There were several important matters to be brought up before the Council, but this was the principal one. The appeal was admitted.

On JULY 15th, however, before Mr Justice C C. Ghose, Mr S C Bose, on behalf of Messrs Kumar Shankar and Kiran Shankar Roy put in a petition to withdraw their original suit. Mr. S C Bose said that so far as the application related to the withdrawal of the suit, no leave of the Court was necessary. There could be no opposition. They had set in the petition that the action of Mr Cotton had rendered the whole proceedings infructuous. The Counsel next stated that the issue of a *Gazette Extraordinary*, proroguing the Council *sine die*, had rendered this suit infructuous in as much as the object of the suit was to restrain Mr Cotton from putting the motion in question before the session of the Council commencing on July 7th. The effect of the Council being prorogued was to put an end to all business in the printed list of business for that session, which did come to an end. Thereby, it had created a situation that the suit had been rendered altogether infructuous, and in case the appeal filed by Mr. Cotton against the interlocutory injunction was dismissed the petitioners would not derive any benefit. The petitioners did not ask for leave to institute a fresh suit on the same cause of action. They only asked for an order to be recorded that the suit was withdrawn.

Next day, JULY 16th, there was an unexpected development in connection with the motion to withdraw the suit. Mr. Langford James now appeared before Mr Justice C. C. Ghose and applied on behalf of one Niranjana Chatterjee that he might be added as a plaintiff to that suit. The Counsel said that his client was a zamindar and one of that class of persons on behalf of whom the suit had been brought. His client was horrified to find that the plaintiffs intended to abandon the suit. In a representative suit, any member of a class represented could come in at any time and apply to be made a party plaintiff if he thought that his interests were not being properly protected or that he had not been properly represented. The matter his client wanted to see decided was whether the motion of Mr. Donald was incompetent, illegal, and *ultra vires*.

It appeared however that this Mr. Chatterji was an inspired person set up by the defendants to stop the suit from being stifled in the appeal by the withdrawal. The Judge however allowed the original plaintiffs to withdraw and also allowed the new plaintiff to come in.

On JULY 18th, further complications came in. Mr Dhuendranath Roy, Swarajist M. L. C, and a zamindar, applied to be made another party plaintiff in the suit and asked for the removal of Mr. Niranjana Chatterji on the allegation that the application of Mr. Niranjana was a collusive one.

and that he did not represent the interests of the plaintiffs but that of the defendants. It was submitted to the Court that if Mr. Chatterji was allowed to carry on that suit, it would mean that the Ministers were both plaintiffs and defendants and that this was a collusive affair. Counsel said that this gentleman was a puppet who had been got hold of by the Ministers to figure as a plaintiff, so that the Ministers would really be plaintiffs and defendants. Therefore, they were asking for an opportunity to enquire as to whether Mr. Niranjana was a *bona fide* plaintiff or not. The Court directed an enquiry into the allegations.

On JULY 21st before a Special Bench of the High Court the original plaintiffs made an appeal to have all these matters settled before Mr. Cotton's appeal against the injunction was heard. There were interminable arguments and counter-arguments, allegations and counter-allegations before the Court by all the parties present. The end at last came suddenly on the next day when all these cases fell through.

### The New Legislative Rules

On JULY 21st a "Gazette of India Extraordinary" was issued announcing an amendment made to the Indian Legislative Rules with the sanction of the Secretary of State in Council. The amendment was by way of addition to the Rules concerning Legislative Assembly and the Legislative Councils of the Provinces. The additional rule as regards the Legislative Assembly said — "An estimate may be presented to the Assembly for an additional or supplementary grant to which the Assembly has previously refused its assent or the amount of which the Assembly has reduced"

The new Rule relating to the All Provincial Legislatures said — "An estimate may be presented to the Council for an additional supplementary grant in respect of any demand to which the Council has previously refused its assent or the amount of which the Council has reduced either by reduction of the whole grant or by omission or reduction of any of the items of expenditure of which the grant is composed"

The result of this announcement was that on July 22nd the Chief Justice pointed out to counsels appearing on all these cases that in view of the new rules promulgated by the Government of India, "the discussion of the various matters which have already been raised in this Court have become largely academic with the exception of the question, which was raised in Mr. Cotton's appeal as to whether the learned Judge sitting on the Original Side has jurisdiction to grant an interlocutory injunction"

The Advocate General agreed and the Chief Justice in passing the final judgment said —

"The result of the arrangement arrived at is that the suit is to be withdrawn. It is clearly understood and affects not only the original plaintiffs but Mr. Chatterji and Mr. Roy. The learned Advocate-General has stated that in view of the announcement in the "Gazette of India Extraordinary" he did not think it reasonable to ask this Court to proceed with the hearing of Mr. Cotton's appeal

"The result is therefore that the suit is withdrawn and the appeal of Mr. Cotton is dismissed and the other appeals are all dismissed."

# The Bengal Legislative Council

CALCUTTA—AUGUST SESSION 1924

Soon after a "Gazette Extraordinary" was issued by the Bengal Government announcing that "the Governor is pleased to appoint Tuesday, the 26th August for a meeting of the Bengal Legislative Council" to reconsider the grant of the Ministers' salary and other rejected demands. Accordingly the Bengal Legislative Council opened on the 26th August 1924 in an atmosphere of tense suspense. The great fight about the Ministers' salary had reached its last stage and the final fight was awaited with an impatient and nervous silence. The House was packed to the full, both by members and visitors, and a great crowd awaited outside the Council Hall to hear the result.

Bengal at this time was full of intrigues, canvassing for votes, both for and against the Ministers' salaries, went on in a manner which savoured of dishonesty. Lord Lytton made it known that the 3rd Minister will be appointed from among those who vote for the Government. On the day the Council met the Swarajist organ, "*The Forward*" of Calcutta printed facsimiles of two letters under the captious headlines of "Bait—Bluff—Bribery—Which?"—which sealed the fate of Mr Fazl-ul-Huq at least, and exposed the tactics of the Government. The letters are as follows —

Calcutta,  
The 24th July, 1924

My dear Rai Bahadur,

You remember the talk I had with you on the day you left Calcutta. By earnest effort I have now settled everything and you must be ready to come here at a moment's notice with sufficient money. For my part, I will not be idle and will go on hammering every one who has got power and influence till I have achieved my object. As to your part, please keep the money ready so that there may be no time lost as soon as I send you a wire to come. You may take the whole affair settled and I may ask you to act accordingly.

Yours sincerely  
A K Fuzlul Huq

Rai Bahadur, Peary Lal Doss, M L C, Dacca

7, Hungerford Street, Calcutta,  
18, VIII 1924

My dear Rai Bahadur,

I have just heard that when you were here on the 5th July you were rather put out to hear that S N Ray was going to be the next minister. I wish you would ask me before you believe any of these rumours, they are being set up simply to alienate our friends. You may take it that I do not usually go back on my word and your name has already been mentioned at the proper quarter. But please do not forget you must get Allabux to come and vote for us. You took charge of him.

Yours sincerely,  
S R Das

Before the main discussion of the day was taken up, Mr D N Roy wanted a ruling from the Chair about his notice of motion asking for leave to move for the adjournment of the business of the Council for the purpose of discussing a definite matter of grave public importance, viz, the Governor's insulting language on the womanhood of Bengal. The President naturally ruled it out of order.

Then came the notorious motion for the Salary of Ministers.

## Demand for the Ministers' Salaries

The Hon. Mr. J. DONALD moved that a sum of Rs 1,60,000 be granted for expenditure under the head General Administration (Transferred) on account of the salaries of the Ministers.

Mr D. N. ROY rose to a point of order. This demand, he said, could not be moved at all. There was no provision either in the Government of India Act or under the Rules framed thereunder which enabled a grant which had been once refused by the House to be moved again.

The PRESIDENT replied that the answer was very simple. The notification in the Gazette of India Extraordinary stated that the Governor General-in-Council with the sanction of the Secretary of State had been pleased to direct that further amendments be made and under these amendments this demand for a grant was properly in order. He ruled that the motion was in order.

Mr D. N. ROY rose to a second point of order on the amended rule. The rule according to the notification in the Gazette of India Extraordinary was in the exercise of the powers conferred by sub-section (5) of Section 129A of the Government of India Rules. Under sub-section (3), which was peremptory, the rules had to be laid before both the Houses of Parliament and sanctioned by them. The notification did not say that this had been done in the case of the amended rules. Until that was done this amended rule was 'ultra vires' and had not had the force of law.

The PRESIDENT said that quite an ingenious point had been raised by Mr Roy. He appreciated the ingeniousness of it, but it was not a point of order and perhaps Mr. Roy in the secret recess of his heart felt that. These amended rules were in order, and if Mr Roy had any grievance he could represent the matter to the Government of India. This was in perfect order and he called on Mr Donald to proceed.

The Hon. Mr DONALD said "This demand is intended to make provision in the Budget of the current year for the payment of the salaries to those holding appointment of Ministers to the Government of Bengal. It covers the salaries of two Ministers for 12 months from the 1st April last and of a third Minister as from September 1 to the close of the year. This third Minister has not yet been appointed. In the absence of any provision for such a salary it has not been possible to appoint a third Minister and unless and until the motion I am now putting forward is carried no third Minister can be appointed. The original demand for provision for the salaries of Ministers, when the estimates were presented last cold weather was rejected by the Council on the 24th March by a majority of one, on the motion of Moulvi Muhammad Nurul Huq Chaudhuri. It is the desire of Government that this matter be placed again before the Council, and before dealing with the main issue, I shall first explain the reasons which impelled Government to bring the matter again before the Council. This demand is not a supplementary demand—a supplementary demand is intended to meet a case where the amount voted in the Budget has proved insufficient. It is not an additional demand as it is not a new need, a need not contemplated when the Budget was



presented. It is an old demand presented for reconsideration, and in putting it forward now we have been guided by the observation contained in Clause 11 of the Report of the Joint Select Committee of Parliament. In connection with demands for reserved subjects the Governor has the power to restore a rejected demand by a certificate that the expenditure is essential to the proper administration of the subject—to the discharge of his responsibility for the subject. In this way, the Governor has the power to review the decision of the Council in respect of any particular demand, but it was laid down by the Joint Committee that the Governor, if so advised by his Ministers, would be justified in asking the Council to reconsider the decision on any particular provision. It is in the spirit of that recommendation that we now ask the Council to consider again the demands I am now making, and the reasons we do so are firstly, that we feel that the vote of the Council on the 24th March last was given under a misapprehension without sufficient knowledge of the constitutional issues involved, and secondly, that the decision was inconsistent with the action of the Council on February 25, when they threw out what was tantamount to a vote of 'no confidence' in the Ministers. In the face of these two conflicting conclusions, and with an apparently imperfect knowledge of the constitutional issues, it is necessary that we should have the considered opinion of this Council.

'Now, the Council can only have had two objects in rejecting the demand which was made in this connection last March. The first was to mark their dissatisfaction with the existing form of constitution, and by refusing supplies for the employment of any Ministers to force the Governor to administer temporarily the transferred Departments without the help of any Ministers, and ultimately to induce Parliament to amend the constitution in the sense desired. The second object perhaps was to express dissatisfaction with the policy of the existing Ministers and to secure the appointment of others. These two objects are entirely distinct and separate, but I fancy that they are somewhat mixed in the minds of many members who voted for the rejection of this demand in March last.

'Let me deal with the second one first. If it were the object of members to pass a vote of censure on the two existing Ministers, which would necessitate their resignation and the appointment of others in their place, they entirely frustrated that object by the action which they took, since by including in their vote the salary of a Minister who had not yet been appointed, and could not therefore be the object of censure, they deprived it of any character of a vote of censure, and by leaving no funds for the payment of any Minister they made impossible the appointment of any successors if the existing Ministers had resigned. As an expression of dissatisfaction, therefore, with the policy of my two honourable colleagues, the rejection of the whole demand for their salaries was mistaken and failed in its object. I hope that no one will repeat that mistake on this day, and imagine that by voting for the rejection of the demand I am now making he is expressing any disapproval of either the persons or policy of the Ministers.

'Now, let me deal with 'the other object which was no doubt

uppermost in the minds of those who voted against the Ministers' salaries last March—the object, namely, of obtaining a new constitution by wrecking the existing one.

'The failure to make provision for any Ministers was an unconstitutional act. It has been justified and defended as consistent with the terms of section 72D which authorises the Council to reduce or reject any demands for grants that may be submitted to them. But it is an elemental principle of law that no section of a statute can authorise that which is inconsistent with or opposed to the object of the whole statute, and I will show that the action of the Council, which it is sought to be justified by reference to Section 72D is in fact inconsistent with provisions of the rest of the Act. The administration of the Transferred Subjects is the particular duty of Ministers. "In relation to Transferred Subjects" says the Government of India Act 1919, "the Governor shall be guided by the advice of his Ministers." It is therefore clearly contemplated in the Act that the Transferred Subjects shall be administered by Ministers. Indeed, this is the main feature which differentiates the Act of 1919 from all its predecessors and embodied the declared policy of Parliament to establish immediately an element of responsibility in the Provincial Government with a view to the ultimate establishment of complete responsible Government in British India. Now, if there are to be Ministers, there must be a salary attached to the office. As Sir Hugh Stephenson said in the course of the debate on the 24th March, if you are going in for a democratic constitution, you must so fix the salary of your Ministers that it will not only be the rich that can accept such posts. This has been the principle of all democracies. Ministers must be given a salary which will make it possible to obtain men of the required calibre from any class of society. Section 52 of the Act provides that there may be paid to a Minister the same salary as is payable to a member of the Executive Council unless a smaller salary is provided by vote of the Council. Hitherto, we have made provision for the salaries of three Ministers. It has so far been held that three Ministers are essential for the discharge of the duties connected with the administration of the Transferred Subjects and their salaries have been paid at the same rate as that fixed for the members of the Executive Council. Until the current year, these arrangements, the number of Ministers, and the salary paid have been confirmed by the vote of the Council. By its vote on March 24, the Council rejected the entire provision for the salaries of Ministers. Such action is entirely contrary to the spirit of the constitution. The provisions of Section 52 of the Act do not contemplate honorary Ministers, and as I have already said, such would not be in accordance with the principle of democratic constitutions. The intention of the section has reference to the Ministers' salary in relation to that of a Member of Council, but clearly aims at the provision of a definite salary—a salary sufficient to obtain a suitable Minister. In refusing the salaries of Ministers, the Council have therefore gone beyond the spirit of the constitution.

'Had the present Ministers not consented to carry on, it would have been necessary to have recourse to the provisions of the Trans-

ferred Subjects Temporary Administration Rules. These rules provide for the temporary administration of Transferred Subjects in the absence of Ministers, but only until such time as a Minister is appointed to administer the subject. This again contemplates the appointment of Ministers, but in the absence of provision for payment of Ministers, if the Council continued to withhold such provision, such administration would be prolonged to such an extent, and would be so much more than temporary that recourse would have to be taken to measures such as the transferred to the reserved list of the Transferred Subjects, a going-back on the whole object of the reforms. I cannot believe that this Council would seriously contemplate a reversal to the old conditions and the loss of the power and responsibilities which have been conferred on the legislatures. The situation can still be gauged from the present conditions. With a few exceptions in details the Budgets of the Transferred Departments were passed by the Council. The existing activities of these departments continue in full. The Council will, I think, realise that it would be utterly impossible for the Governor to administer all these departments except for a very short period, and that period could only be short, when no provision existed for the salary of a Minister, and no Minister could therefore be appointed. The ultimate result would be the transfer of these departments to the reserved list so that they might be administered by members of the Executive Council. Is the Council prepared to contemplate this with equanimity? Are they prepared to go back to the old system of administration? Certain branches of the administration have been made over to Ministers selected from members of the Legislative Council responsible to the Council. This is a step on the road to Self-Government, an opportunity for showing the fitness of the people's representatives for the general administration of the Province. Does the Council desire to throw away this opportunity and retard the advance on the road to Self-Government? It has been urged that the overthrow of the existing constitution will compel Parliament to grant a greater measure of Self-Government than has been given under the present reforms. Let me remind those who urge this view that the present Reforms were the result of a close examination of all the possibilities of the situation. They have been given so far only a short trial there may be disabilities and defects—this is inevitable in a transitional system, but the road to Self-Government will be far easier, more smooth, if they continue to be worked than by reversal to the old form of administration.

'The issues which the Council has to determine on the motion which I am now making, and on the motion for the reduction on the paper are two in number, and I would ask members of the Council to bear them clearly in mind and not to confuse them in giving their votes. They are

'(1) Does this Council desire to preserve the constitution and maintain the Reforms? Does it want Ministers? If it does, it will reject the motion which provide no salaries at all, or only salaries of nominal amount or an amount utterly inadequate to secure men of the necessary calibre. If it accepts these particular motions for total refusal for reduction, then this means the suspension of the Reforms and the

disabilities referred to. This is not an issue connected with the personnel of the Ministry. It is a large constitutional issue. Do you desire Ministers or do you not? Do you desire to maintain the Reforms or not? If you desire Ministers, if you wish to retain Ministers, you must reject these particular motions.

'(2) The second issue has reference to the pay of Ministers. It is within the power of the Council to fix by vote a lower rate of salary than that authorised by Section 52 of the Government of India Act to be made applicable to any member holding the post of Minister. Any reduction made by one or any of such motions will not be interpreted as implying a censure on the present Ministers. This is again a question not affecting the particular person in the Ministry. This demand, as I have presented it, and as I have already explained, provide a salary equivalent to that of a Member of the Council. It is for the Council to determine whether the salary which would follow the adoption of the motion is sufficient for a Minister. As I have already said, this question has been debated more than once in this Council, and so far the conclusion has always been that there should be no differentiation between the pay of the Ministers and that of a Member of the Executive Council.

'These, I repeat, are impersonal issues. They are distinct from and have a wider aspect of the personnel. They involve the whole constitution.'

#### The Refusal

Mr Akhil Chandra DUTTA moved

"That the demand for Rs 1,60,000, under the head '22—General Administration (Transferred) on account of the salaries of the Ministers, be refused."

In doing so and in reply to the arguments advanced by the Hon'ble Mr Donald, Mr. Dutta said "Here we are in this gilded Chamber assembled under the summons of His Excellency and after the pronouncement of the people's verdict on this motion for the grant of the Ministers' salaries. It is about a little over five months that the original demand was refused by this Council. The question is what has happened since then to alter their position. Two things have been said. One is whether they are going to refuse it on constitutional issue or they are going to refuse it on the ground of want of confidence in the present Ministers. So far as the first point is concerned, Diarchy must go (hear hear). That has been the verdict of the people from one end of this country to the other.

Mr. Villiers — Question, question

Mr Dutta — "There could be no question, I was careful enough to say the people of this country (hear, hear). That has been the verdict and the final and vocal pronouncement of the people of this country, not only of No-changers, not only of Non-co-operators, not only of the Swarajists or of the Nationalists, but I say that that has been the verdict of most of the most Moderate people, the ultra-Moderates and the Constitutionalists. (Cries of hear, hear).

"What is this verdict about the Diarchy and the Ministers? It has been said that the Ministers are mere puppets, mere figure heads—

absolutely exercising no power at all. It has been said, not by irresponsible people like ourselves (laughter), that these Ministers are mere glorified under-Secretaries. I say that advisedly, because they are not only dominated by the Governor or the Finance Minister but by the Under-Secretary (cries of hear, hear, pathetic, and laughter). Who has pronounced this verdict? Our ex-Ministers and Ministers, including Mr C Y Chintamani, that Prince of Moderates. If that is so, they must go. But I am very anxious to emphasise on one fact. Although that is the feeling in the country, I must point out that when in March last we refused the Ministers' salary, it was not on that constitutional issue that we refused it but we refused it on the ground of no confidence. Our position was absolutely clear at the time. We said subsequently that we refuse the Ministers' salary, because these Ministers are not the people's men, because they voted against the popular verdict on the question of the release of the political prisoners, on the repeal of the repressive laws, and on the question of transferring more departments to the Transferred side. Even the benighted Assam Minister supported the popular party on this last question (hear, hear.) That was the position we too took up at the time and that was the position taken up not only by the Nationalists but even by the Swarajists. I must refer to one typical instance, I mean the speech of Mr Nurul Huq Choudhury, who said this: "This Council knows that my friend Mr J M Sen Gupta sometime ago sent in a notice of a resolution in which he wanted to move a vote of no confidence in the Ministers, but the President disallowed it saying that at the time when the Ministers' salary would be coming up for discussion before the Council, if the Council pass the resolution refusing the whole demand, it will be taken as a vote of censure on the administration, or rather a vote of censure on the Ministers, or rather a vote of no confidence in the Ministers."

The PRESIDENT — "Mr Dutta, I hope you are not going to credit me with any version of my ruling that might have been given by Mr Nurul Huq. If you refer to some statement which I am supposed to have made, you will please read it from the printed proceedings of the Council."

Mr Dutta — "I am not at all referring to that ruling. In fact my attention is confined to the position taken up by those gentlemen who refused the salary. So far as my point goes, I am content to adhere to the position that we took in March last. In other words, so far as I am concerned, I ask you, gentlemen, to refuse this grant on the self-same ground, namely, want of confidence in the Ministers (hear, hear)."

"But although the question of constitutional issue was not raised at the time when the Ministers' salary was refused, a constitutional issue of a far-reaching consequence has arisen since then in consequence of that decision and in consequence of the attitude of His Excellency the Governor and the Ministers. What was the constitutional position created by that decision of the House? That position was this: Ministers ought to have resigned and ought to have made to resign. That would have been the inevitable result. That is not merely my view. That was the view taken up by His Excellency in the Council Chamber on March 18, when he said that he had not come to make

a speech, but he had come to state as to what would happen if the Budget was rejected. The first thing that His Excellency said was that not only the present Ministers would have to resign but no other Ministers would be appointed in that place because there would be no funds. That was the view of His Excellency. But had the Ministers resigned? Ought not they have walked out, bags and baggages? They ought to have cleared out. His Excellency had not asked them to resign. Therefore His Excellency has not acted up to constitution. After waiting for a reasonable time, I sent in a notice of a resolution demanding that the Ministers should be asked to resign in view of the refusal of their salary by the Council. But my resolution was disallowed on the ground that it was not the primary concern of the Bengal Government. I felt at the time that it was a 'colossal hoax' (laughter) to suggest that the Bengal Government has nothing to do with the retention of the Bengal Ministers. I do not know if the Government of Honolulu will solve that question (renewed laughter). But what is the constitutional position so far as the Ministers are concerned? In spite of the vote of censure, they are still there sitting tight on their adamant gudgeon setting at naught the verdict of the country, loyal to the bureaucracy, irresponsible to the elected representative of the people—going to the lobby uniformly, indiscriminately, with the officials under their bidding, express or implied—dancing in joy over the discomfiture of the elected members and dying of heart-failure over the defeat of the officials—eager to eat the salt of the people but always conspiring with the enemy."

The PRESIDENT,--Mr Dutta, your time is up. Just finish your sentence.

Mr DUTTA --"What I want to say is that the people want full Provincial Autonomy. A little bird whispers in our ears that the two Ministers, only the other day, went to the length of opposing any further advance on the ground that the electors are not educated enough. The question is, are Ministers lawfully and constitutionally holding their office or are they mere trespassers?"

With these words Mr Dutta commended his resolution for the acceptance of the House.

Mr. J M SEN GUPTA, in supporting the motion, said

"I ask my friends in this Council to vote for this motion and against the motion of the Hon'ble Mr. Donald as a protest against the conduct, I should say, of His Excellency the Governor of Bengal in getting our rights challenged in such a way behind our back and getting this demand before us unconstitutionally. We, in Bengal, whether we be Moderates or No-changers or Swarajists or Ex-Ministers—are of opinion that Diarchy must go. My friend Mr Dutta has asked you to vote for his motion rejecting this demand for the salary of the Ministers on the ground that by that motion we would say that the Ministers do not enjoy our confidence. I say that not only this resolution, if carried, would show that the Ministers do not enjoy our confidence but so far as this side of the House is concerned, so far as the Swaraj Party is concerned, and so far as the Nationalists and those who do not believe in Diarchy are concerned, this resolution, if carried, would show that we vote against Diarchy and we do not object to the

administration of the Transferred Department being taken up by His Excellency the Governor. Let us carry this and let us see how long His Excellency would carry on the administration of the Province. (Cries of hear, hear)

Mr MANMATHA NATH ROY (Howrah) supported the motion for the rejection of the Ministers' salary and strongly repudiated the suggestion of the Hon'ble Mr Donald that the members in refusing the salary on March last had not acted in full appreciation of the constitutional issue involved.

Mr NURUL HUQ CHOWDHURY in rising to support the motion for the rejection of the Ministers' salary said that they had been accused of offering bribes but "I know" he remarked, "that the Government also offered bribes"

The President That does not arise on the resolution The question of taking or giving bribes does not arise on this motion.

Mr. Nurul Huq It does arise in this way —

The President The question does not arise I do not think I ought to repeat it again, Mr Nurul Huq.

Mr Nurul Huq A bait has been offered that those who will vote with the Government will have the Ministry.

The President You must obey my ruling. I cannot allow this constant disobedience

Mr. B CHAKRABARTY said — "On the last occasion when this matter came for the consideration of this House, I was not privileged to be here and make clear the position and the attitude of the Nationalist members of this House whom I have the honour to lead As it is quite possible that my career of usefulness here may be cut short on this occasion also by a communication from His Excellency delivered through a special messenger at any moment, I am taking this early opportunity of having my say on this question I desire at the outset to make it clear that as a party though opposed to diarchy on principle, we are not committed to any policy of obstruction, pure and simple This being a very short outline of our general policy, let me now turn to a consideration of the particular motion before the House Speaking from a constitutional point of view, which is also the commonsense point of view and was until lately the legal point of view, the vote of this House on the question of the salaries of the Ministers on the last occasion was tantamount to a vote of no confidence in them and should have been followed immediately by their resignation, which, I venture to submit, should have been accepted. This would have been the self-respecting course for the Ministers in question, a course which would also have redounded to the upholding of the constitution and the dignity of this House for which, I suppose, we all are and ought to be anxious Instead of this, we have been witnesses to the sorry spectacle of a change in the Rules of this House in the face of an injunction from the High Court Nothing could have been more humiliating and subversive of the dignity of this House and of its constitution, about which so much is heard Besides the commonsense, the constitutional and the dignified course would not have led to any deadlock in practice as, I believe, there are many members of this House

who are not pledged on principle either to the non-acceptance of office or to downright unmitigated obstruction. In matters like the present we have to act on first principles and to so act as to broaden and liberalise, if we can, the constitution, even as it is, from "precedent to precedent" We have, therefore, after mature consideration of all the circumstances decided as a party to oppose this motion and vote against its acceptance

Mr D. P. KHAITAN said that the motion involved a question of great constitutional importance. Mr. Akhil Chunder Dutta had said that he did not move the motion with the intention of bringing the Reforms to an end but because he and his party had no confidence in the present Ministers. Mr. J M Sen Gupta had said that his party put the question on the constitutional issue that diarchy was bad and must come to an end and that this motion was an instrument whereby they wanted to kill it So far as the speaker was concerned he was not a lover of Dyarchy and as such he was opposed to it as Mr. Das and his friends were Mr C. R Das and his party had openly said that they wanted to kill diarchy and they did not care if the Government took it over Mr Chakravarty said that they did not want that the Transferred Department should be taken over but that the motion was made because they had no confidence in the present Ministers The Hon Mr Donald had made it clear that the passing of this motion would be interpreted by them as meaning that this Council did not want any Ministry Having regard to the clear interpretation expressed on behalf of Government he was in favour of this motion put forward by the Hon. Mr. Donald

Sir PROVASH CHUNDER MITTER said that in his opinion the vote was demanded for the retention of the two Ministers who had flouted the House and flouted public opinion He believed that the future of India lay in evolution and that evolution should be properly followed on constitutional lines He was sorry to realise that the Moderate party at the present day was not in power If there was an organised party, how was it that during the last election, that in every constituency Mr C R Das and his party had won Being a believer in constitutionalism he objected to anything going against the spirit and letter of the constitution As a staunch Moderate he was to work out the constitution to its best advantage—not that he loved diarchy In the resolution were they working out the constitution? Mr Mitter had no reason to be ashamed of publicly renouncing the view Self-Government would be attained by the natural good-will of Indians and Englishmen alike. It had been said that if this motion was rejected there would be an end of diarchy If the authorities were dissatisfied because the salaries of the Ministers were refused there might be a consequence. If that consequence was possible the responsibility would not be to this House. He concluded with a final appeal to Mr. Fazlul Huq to put an end to this humiliation.

The Hon. Mr. FAZLUL HUQ said —I rise not to make any speech with reference to the question that is now before the House but only to say a few words by way of personal explanation A certain letter has been published to-day in the "Forward" and is being circulated to the members of the Council.



Mr B. Chakravarty —Is he in order?

The President —He is giving a personal explanation

Mr. A C Banerjee —Is he in order? He is making a reference to a newspaper.

The President —Please go on, Moulavi Saheb

Mr C R. Das —No speaker has referred to it

The President —It is always a well-recognised rule that any member is entitled to make any personal explanation with regard to any particular matter.

Mr. Huq —I wish my friends would only listen to me.

Mr J. M Sen Gupta —Give the explanation to the Court

Mr Huq —As regards this letter I make this submission publicly that I never wrote any such letter, that the letter is not genuine and it appears to be somewhat of a forgery I know some three or four days ago a friend of mine whose name I would not mention—a member of the Council mentioned to me such a letter was in circulation I told him that I never saw any such letter. He told me that the letter was addressed to a certain Rai Bahadur And somehow or other I got a copy of the letter from the original supplied to me and I find that the letter purports to a gentleman who does not at all exist Mr C R Das is the editor of the paper in which that letter is published He may kindly let me know the name of the address of that letter so that the whole world may know that this letter cannot be a genuine one because if it was genuine it would have been addressed by an imaginary person If he has no objection I ask him in all fairness to supply to me or the Hon. Mr Donald or His Excellency the Governor so that an enquiry may be necessary An enquiry will show what a glaring forgery has been perpetrated As regards the point at issue I do not wish to say every thing on the point at issue except that with all my heart I say that so far as diarchy is concerned it comes to an end to-day.

Mr C R DAS said —I did not know before I came here and before my friend, the Hon. Mr Fazlul Huq got up to speak, that I should have to say anything about myself being the editor of a paper, but I must obey the President's ruling. All that I desire to say is that I repeat in this House that the signature is the signature of Mr Fazlul Huq (cries of hear hear, shame, shame) If he wants information and further particulars, anywhere he takes me to I shall prove what I say (hear, hear) This is not the place but if he institutes any case or takes me to court, I shall prove to the satisfaction of every honest and impartial Judge that that signature is his signature (cries of hear, hear and prolonged cheers)

Mr Nurul Huq Chowdhury —This is the challenge, take it up

The President —That incident is closed.

Amendment Carried.

The amendment was then put to the vote and a division was demanded. When the members were proceeding to the lobbies, some Nationalist members were heard to complain that Maulvi Abdul Jabbar

Palwan was pulling a member in order to take him to the "Noes" lobby.

At the close of the division and before the result was announced the President summoned Mr Palwan before him and said, "Your conduct was of a disorderly character. If you go on like this, I shall suspend you from attending the rest of the session."

The amendment was declared carried, 68 voting for and 66 against it.

The announcement was received with hilarious cries of "Resign, Resign—the verdict of Bengal has been given" from the Nationalist benches.

The following is the Division List —

#### FOR THE AMENDMENT

Maulvi Asimuddin Ahmed, Maulvi Zannoor Ahmed, Mr Altaf Ali, Mr Ramesh Ch Bagechee, Maulvi Kader Baksh, Dr Pramatha Nath Banerjee, Mr Satya Kishore Banerjee, Mr. A C Banerjee, Mr. Sarat Chandra Basu, Mr. Bejoy Krishna Basu, Mr Byomkesh Chakravarty, Mr Jogindra Chandra Chakravarty, Mr Sudarsan Chakravarty, Mr Umesh Chandra Chatterjee, Rai Harendra Nath Chowdhuri, Maulvi Mohammed Nurul Huq Chowdhuri, Maulvi Syed Abdur Rob Chowdhuri, Mr Nirmal Chandra Chunder, Dr Mohini Mohan Das, Mr C R Das, Dr J M. Das Gupta, Mr Akhil Chandra Datta, Mr Baroda Prasad De, Maulvi Abdul Gafur, Mr Khagendra Nath Ganguly, Mr S N Haldar, Mr Sha Syed Emdadul Huq, Maulvi Savedal Haque, Maulvi Wahid Hossain, Maulvi Aftab Hossain Joardar, Mr Debendralal Khan, Maulvi Abdul Raschid Khan, Maulvi Amanat Khan, Maulvi Mahiuddin Khan, Raja Reshee Case Law, Maulvi Basar Mahommed, Mr. Mahendra-nath Maity, Mr Jogendra Nath Mitra, Mr Satyendra Chandra Mitra, Sir Provas Chandra Mitra, Mr Taraknath Mukherjee, Maharaj Kumar Srish Chandra Nandi, Mr Hem Chandra Naskar, Mr Monmohan Neogi, Maulvi Abdul Quadir, Mr. Prosonna Deb Raikut, Mr Abinash Chandra Roy, Mr Anil Baran Roy, Mr Surendra Nath Roy, Dr Kumud Bankar Roy, Kumar Shivasekharewar Roy, Mr Manmatha-nath Roy, Mr Satcowripati Roy, Dr Bidhan Chandra Roy, Mr D N Roy, Dr Kiron Sankar Roy, Rai Bahadur Satyendra Nath Roy Chowdhuri, Mr Hemanta Kumar Sarkar, Mr Nalinranjan Sarker, Maulvi Allah Buksh Sarker, Mr B N Sasmal, Mr N C Sen, Mr J M Sen Gupta, Mr Arun Chandra Singha, Dr A Suhrawardy, Mr H S Suhrawardy, Maulavi Rajibuddin Tarafdar, and Maulavi Muhammad Yasin

#### AGAINST THE AMENDMENT

Mr C Addams Williams, Maulavi Tayebuddin Ahmed, Mr. S Mahboob Aley, Maulavi Sayyed Sultan Ali, Mr R N Band, Rai Bahadur A C Banerjee, Rai Sahab Panchanan Barman, Mr H Barton, Mr. Jatindranath Basu, Khan Bahadur Mirza Shujat Ali Beg, Sir Willoughby Carey, Khan Bahadur Maulavi Mohamed Choinuddin, Maulavi Fazlul Karim Chowdhury, Mr D J Cohen, Mr C G Cooper, Mr B. J Corcoran, Mr W C. Currie, Mr Charu Chandra Das, Mr M Dand, Mr G C Dey, The Hon Mr. J Donald, Rai Bahadur Pearylal Dose, Mr G S Dutt, Mr B E G. Eddis, The Hon Mr T. Emerson, Khan Bahadur K G M. Farouqi, Mr J Campbell Forrester, The Hon Hadji M. K Ghuznavi, Sir George Godfrey, Mr Badridas Goenka, Mr S Woode, Mr. A. D. Cardon, Mr P N. Saha, Khan Bahadur Kazi Zahirul Huq, Major General R Heard, Khan Bahadur Maulavi Masharuf Hussain, Maulvi Ekramul Huq, The Hon Maulavi A K. Fazlul Huq, Mr. F E James, Mr A K Jameson, Mr Debi Prasad Khaitan, Haji Lal Maham-mad, Mr H C Liddel, Mr A Marr, Mr Syed M Masib, Mr A N Moberly, Dr H. W B Morenc, Mr G Morgan, Mr S. C Mookherjee, Mr Khawja Nazimu-uddin, Mr E. F Oaten, Maulavi Md Abdul Jabbar Palwan, Mr T. J Phelps, Mr J Y Phillip, The Hon Sir Abdur Rahim, Mr A F Rahaman, The Hon Maharaja Bahadur Khaunish Chandra Roy, Mr K C Roy Chowdhuri, Mr S. N Roy, Raja Manilal Singha Roy, Khan Bahadur Maulavi Abdus Salam, Mr S A Skinner, M J. H L. Swan, Mr. W. L. Travers, Mr E Villeirs and Mr. J A Woodhead

The following were either absent or did not vote —Nawab Bahadur Saiyid Nawab Ali Chowdhuri, Mr Nagendra Narayan Roy, Mr Tarit Bhushan Roy, Mr. Sailaja Nath Roy Chowdhuri, Mr. Brajendra Kishore Roy Chowdhuri and Major Hussain Suhrawardy

#### Other Items

The rest of the business was transacted without speeches.

The Council agreed to a demand for Rs 45,000 on account of the leave allowance of the Registrar, Local Self-Government Department.

A sum of Rs 1500 was granted on account of grant to the Varendra Research Society.

Another sum of Rs 6,35,400 was granted on account of the pay of Inspecting Officers of the Education Department and Rs. 5,88,000 for expenditure under Medical Establishment A sum of Rs 2,30,000 was also granted to meet the deficit of the Calcutta University

Another sum of Rs. 50,000 was granted to assist in the formation of village anti-malarial societies on a co-operation basis.

The Council rejected a demand of Rs 10,000 for expenditure in connection with the British Empire Exhibition

#### SECOND DAY—27TH AUGUST 1924

#### The Calcutta Police Buildings

On the 27TH AUGUST after interpellations were over, the proceedings of the Council commenced with the adjourned discussion of the motion moved by the Hon'ble Mr Donald for a sum of Rs. 4,65,472 for expenditure under the head "41—Civil Works" for the Calcutta Police Building Scheme

Kumar Shib Shekhareswar ROY moved as an amendment that the demand be refused

Dr Bidhan Chandra ROY supported the Kumar's amendment He said, assuming that there was the necessity of having better sanitary conditions for policemen, the question was how to raise the money for that purpose

Mr. DONALD said that, it could be done, either by raising a loan or by using the unspent balance. He favoured the latter course. Dr. Roy was of opinion that raising a loan for the purpose would be better than using the unspent balance At this Mr Donald made a suggestion He said that if the motion was passed he was prepared to earmark Rs 17½ lakhs out of the balance to be spent for subjects outside those managed by the Executive Council

Mr. C R. DAS If Mr Donald will agree that Rs 17½ lakhs be spent for any of the Subjects of the Transferred Department and placed in the hands of a Committee to be appointed by this House, then he can accept Mr Donald's suggestion,—not that Rs. 17½ lakhs be earmarked, because it seems to be so vague.

The President But I understand as a result of yesterday's voting there is not going to be any Transferred Subject. I am rather in difficulty.

Mr Das But the result has not yet been declared. How can we notice of what has not been declared?

The President I am afraid there will be no Ministers after to-day

Mr Das But how can we act without knowing the result That depends on the Government and not on us It depends upon the Legal Advice the Government get.

Mr Donald I cannot accept the suggestion that the money be made over to a Committee

The motion for refusal was carried by 62 to 56 votes

On the motion of the Hon'ble Mr. Ghuznavi the Council voted a sum of Rs. 1,50,000 under the Head Civil Works for Houses of Detention in Calcutta and Howrah

Another Demand for Rs 50,000 made by the Maharaja of Nadia for expenditure in connection with the payment of enhanced compensation for land acquisition for the Grand Trunk Canal Project was also accepted by the Council.

### The Howrah Bridge Bill

The Hon'ble Mr A K GHUZNAVI introduced a Bill to provide for the construction, maintenance and control of a new bridge across the river Hooghly between Calcutta and Howrah

He moved that the said Bill be referred to a Select Committee, consisting of the Hon'ble Mr J Donald, Mr. G C Dey, Mr H C Liddell, Mr. J A Woodhead, Sir George Godfrey, Mr C R Das, Mr S Mahboob Aley, Mr W C Currie, Babu Surendra Nath Ray, Babu Badridas Goenka and the mover with instructions to submit their report for representation to the Council as soon as possible

### Genesis of the Bill

Following is the statement of objects and reasons of the Bill —

"The existing Howrah Bridge is nearly 50 years old and has outlived its span of life, and there is a consensus of opinion that it is necessary to construct a new and up-to-date bridge at an early date. In October 1920 public bodies and representative associations in Calcutta were consulted on the various proposals that had been made for a new bridge with special reference to the type which should be adopted. In the discussions which ensued the necessity for an opening span for the passage of ocean-going steamers was questioned and a committee was appointed in June 1921 to investigate the matter. This Committee reported in July 1921 that it would suffice to have a bridge with a fixed headway permitting the passage of inland craft. Government accepted this view and referred the final decision as to the type of bridge to be adopted to an expert committee presided over by Sir R N Mukherjee, K C I E. This committee after having examined the several types of bridges placed before them unanimously recommended that the new bridge should be of the cantilever type of the dimensions and general descriptions shown in their report, they observed that no time should be lost in building the new bridge in view of the serious condition of the existing floating bridge and the grave consequences which would result from its failure and suggested that specifications and tenders should be obtained without waiting for a decision on the financial aspects of the proposals. Government, however considered that no useful purpose would be served

by such action and obtained the necessary particulars from the Consulting Engineers to the Indian Office. It is now estimated that the total cost of the scheme (including approaches and claims for compensation put forward by interests injuriously affected) will not exceed Rs 6,34,00,000. In January 1923 a representative committee presided over by the Finance Member of Government was appointed to consider proposals for financing the scheme and to report on the ability of the trade and people of Calcutta and its neighbourhood to bear the charges which would be involved. The recommendations of the committee, which have been accepted by Government, show that it is possible to finance a bridge of the cantilever type. This bill is drafted to give effect to the recommendations of the two last-named committees."

The Hon'ble Minister said 'I would remind the members of this Council that the subject of replacing the present Howrah Bridge by a new one has been under discussion since the year 1909. The present Bridge was completed in December 1874 and opened to traffic in February 1875. It has therefore been in existence for thirty years when the necessity for its replacement first arose. Since then 15 years have passed during which the structure of the Bridge has rapidly deteriorated and a new bridge which was then considered to be necessary has now become an urgent necessity.

'During the fifteen years various committees have been constituted and have made recommendations which for one reason or other have been rejected or put aside.

'In the year 1921 a new factor entered the field. This was the question of the necessity or otherwise of providing an opening span in the Bridge to permit sea going vessels to pass it. A committee investigated this point and reported that an opening span was not essential and that it might be omitted. The result of this recommendation was to open a fresh question of the type of bridge to be constructed. Till then the generally accepted opinion of the Engineers had been that a floating bridge offered facilities for providing an open span which were not possessed by any type of a fixed bridge with a clear span from shore to shore of the river. Hughly.

'The new factor in the problem allowed of the reconsideration of various types of bridge which had from time to time been suggested and in November, 1921 another committee over which Sir Rajendra Mukerji presided was constituted to recommend to Government the form of bridge which was to be constructed.

'In 1922 this committee after weighing the merits and demerits of all types recommended a cantilever bridge with a clear span from bank to bank of the river in order to avoid obstruction to river traffic.

'A rough estimate of the cost of such a bridge was obtained from the consulting engineer to the Secretary of State for India and in October 1922 an officer of the P. W. D. was deputed to examine the projects and give an estimate of its total cost including the cost of approaches, land and compensation for building and for the interest of docking companies.

'When his figures had been obtained still another committee was formed to examine and recommend measures for financing the scheme and this committee submitted its report in June 1923.

'The Government have embodied the recommendations of all these committees in the Bill which is now before the House.

'This Bill is to provide by means of taxation the amount of money required to build a cantilever bridge which Government are advised is the best type to meet the case. When the Bill is referred to a select committee it will be for that committee to decide what amount of money can be spent on the bridge that is, the amount of money which they consider to be within a taxable capacity of Calcutta for the purpose. Having come to a decision on this point they will make a recommendation to the Council who can then decide to accept or reject the committee's recommendation. Then the amount which the Council is prepared to agree to, will decide what form of bridge can be built for the money.

'After introduction, the next stage will be the circulation of the Bill for public opinion. The opinions received will then be considered by the select committee to which I shall personally call your permission to refer the Bill. If that permission is recorded, the select committee will not sit till at least three months' time has been given for collecting opinion. After consideration in select committee the members will have a further opportunity for discussion and amendments in the report of the committee will be presented to the Council.

'It will, therefore, be patent to every one that the members of the Council will have ample opportunities to voice their views and, if they consider it desirable, to pass the Bill in a considerably amended form.'

Mr Satyendra Chandra MITTRA moved that the following names be added to the list of the Select Committee —Mr C R Das, Sir P C Mitter, Raja Resheecase Law, Messrs H S Suhrawardy, Nalmanjan Sarkar, Khagen Ganguly, Dr P N Banerji, Messrs Bejoykrishna Bose, Taraknath Mukherjee, Satyendra Chandra Mittra, N C Sen, A C Banerji and Nurul Huq Chowdhury.

Mr. Mittra said that the committee proposed by Mr Ghuznavi was composed of a large number of officials and that went against the very spirit of the purpose of such a committee. He wanted to make the committee a really representative one.

The President Do you move these thirteen names?

Mr Mittra Yes.

Mr. Donald said it was not a party question that these names should be added.

Dr Bidhan Ch Ray There is no party question here. The name of Raja Reshee Case Law is there.

Mr C R Das May I point out that he has also included names of gentlemen who do not belong to the party? I am only pointing out that Dr Ray is right.

Mr W C. Currie suggested the addition of three more names, namely, Messrs G. Morgan, J. T. Philip and R. N. Ban.

The President put the amendment of Mr. Satyendra Chandra Mittra to vote which was carried without division.

The names proposed by Mr Currie were next put to vote. His amendment was also carried by 67 to 53 votes.

Mr. NALINI RANJAN SARKAR moved as an amendment that the bill be circulated for eliciting public opinion.

He said —‘I would at the outset refer to a matter which appears to me somewhat curious. The present Howrah Bridge is being administered by the authorities of the Port of Calcutta and all the steps so far taken to place it by a more suitable one have been taken by the Reserved Department, under the head of “Marine.” In fact the present bill was drafted and published over the name of the Hon’ble Mr Donald and very recently has it been handed over to the Transferred Department of the Hon’ble Mr Ghuznavi, thereby treating it as a local means of commercial significance. This is hardly consistent with the vital character of its connexion with the Port of Calcutta in which view it is properly a central subject and the Government of India ought to be fastened with its construction. And it seems pretty clear to me, that it is in order to avoid this proper view that the Hon’ble Mr Ghuznavi has suddenly been put on the saddle though they remain in the hands of Mr Donald.

‘Coming to the subject matter of the Bill, apart from the intrinsic merits and demerits of a cantilever bridge, the estimated cost of Rs 6,34 lakhs is out of all proportions to the requirements and entirely beyond the capacity of the people of this country already over-burdened to the point of death, and on this ground of prohibitive cost alone we should at once dismiss the idea of going in for a spectacular bridge worthy of Calcutta dreamt of by onlookers who have no burden to bear. There are alternative schemes which may very well suit our present requirements costing not more than Rs. 3 crores. This therefore is eminently a matter deserving of serious public consideration and public opinion should be sought and received before any attempt to arrive at a final decision.

‘Having determined the cost which the country is prepared to bear the question of suitable financial adjustment should next be considered. The scheme of taxation embodied in the bill is not at all equitable and requires readjustment. The people of Calcutta are, as I have said, already over-taxed, and cannot go in for the luxury of spectacular effect. On the other hand, the Government of India who derive about Rs 16 crores a year from custom revenue from the Port of Calcutta has not been put down for a single farthing of contribution. If a bridge at a cost of Rs. 3 crores is decided upon and if its life be taken at 60 years, about Rs. 16 lakhs per annum may serve the necessary purpose and I venture to think that the Local and Central Governments, the Railway and Steamer Companies and the Calcutta Improvement Trust could between them contribute an annual amount sufficient to enable the tax on the people of Calcutta and its suburbs to be altogether dispensed with.

‘It has been proposed to entrust the work of the construction of the Bridge to the Trustees of the Improvement Trust of Calcutta. If the present position of the Calcutta Improvement Trust be carefully analysed it will be found that a Trust which can lock up about a crore in a fancy housing scheme at Cossipore, under which up till now not more than one person has been given an allotment, should easily be able to contribute say Rs 5 to 6 lakhs a year to meet an urgent necessity such as this bridge.

'I have a shrewd suspicion that the idea of thrusting on us such an expensive Cantilever Bridge has been mooted with the idea of relieving a portion of the unemployment problem in England, a suspicion which is confirmed by the fact that tenders for such a large piece of work have not been invited from any country outside England. The question of unemployment, however, is no less keen in India. In fact it is fast assuming alarming proportions. If a portion of the money proposed to be raised by taxation be diverted to the establishment of a factory or workshop which will turn out materials for the construction of such bridges and other works such as are found necessary for the purposes of developing the country's resources, that would have the incidental effect of affording scope for the training of thousands of our young men.

'I think I have said enough to make out an unanswerable case for my proposals and I can assure the House that in the meantime the existing bridge, however "mean and insignificant in appearance" and however "unworthy of Calcutta", will not give way under sheer pressure of Bureaucratic impatience."

After some further discussion Mr. Sankar's motion was put to vote and was declared carried, 70 voting for and 48 against it.

### Council Prorogued.

Then to the surprise of all the President rose up and announced — "I have it in command from His Excellency the Governor that the Council stands prorogued until such date as may be notified hereafter."

One outburst of cheers, cries of "Bande Mataram", "hear, hear," "Diarchy is dead", and so on, greeted the announcement and reverberated throughout the Council Chamber. And amid animated scenes of jubilation and mutual greetings Mr. C. R. Das declared "Now the Council is destroyed!"

Subsequently the following Government Communique was issued —

"After the refusal by the Legislative Council of the demand for Ministers' salaries on August 26th, His Excellency had no alternative but to prorogue the Council at the conclusion of Government business on August 27th. This step was the logical consequence of the proceedings on the previous day.

"The action of the Legislative Council has had the effect of suspending the working of the Reforms in Bengal for the time being. It is not now possible for the Governor to obtain the services of any Ministers, and His Excellency will himself assume charge of the Transferred Departments under the Transferred Subjects (Temporary Administration) Rules. The constitution which has been deliberately suspended by the Legislature both conferred privileges and imposed obligations, and the existence of Ministers responsible to the Legislature was an essential feature of the whole scheme. That essential feature having been destroyed on August 26th, the people of Bengal have through the action of their representatives temporarily lost the advantages which Parliament intended to confer upon them. Until such time as the Constitution is restored, the Legislative Council will be summoned only when required for the transaction of Government business."



# The Assam Legislative Council

*JULY—AUGUST SESSION 1924*

The Assam Legislative Council commenced its session at Shillong on the 28TH JULY 1924. After interpellations and some formal business the Council adjourned.

On the 29TH JULY Babu Brojendra Narayan CHAUDHURI moved —

"This Council recommends to the Local Government to move the proper authorities for the transfer of the district of Sylhet to the administration of Bengal."

The resolution with an amendment that the words "and Cachar" be inserted after the word "Sylhet" was put and carried.

On the 30TH JULY Babu Krishna Sundar DAM moved the following resolution —

"That this Council recommends to the Government of Assam that effect be given to the resolution moved by Babu Raman Mohan Das and passed by the last Council in April 1921 for giving immediate start to hand-spinning as Home Industry and to appoint spinning masters and mistresses for teaching the art in the houses throughout the province by spending the entire sum of money saved by the reduction of Ministers' salaries through the Local Boards".

The Hon'ble the MINISTER for Education opposed the resolution. After some discussion it was accepted in the following amended form —

"That this Council recommends to the Government of Assam that steps be taken to give an immediate start to hand spinning as a Home Industry and to appoint Spinning Masters and Mistresses for teaching the art."

Sriyut Kamala Kanta DAS moved the following resolution —

"That this Council recommends to the Government of Assam that in all the Local Boards of the province, the Chairman should be an elected member of the Board." The resolution was after discussion withdrawn.

Sriyut Nilmoni PHUKAN moved the following resolution —

"This Council recommends to the Government of India to appoint an All-India Opium Committee with substantial non official majority to discuss the question of opium evil and to submit their recommendations through an accredited Agency to the Committee of the League of Nations." This resolution was also withdrawn.

On the 31ST JULY, after a motion to amend certain standing orders had been made and accepted, Maulavi FAIZNUR ALI moved.—

"This Council recommends to the Government that a Committee of officials and non officials elected by the Council be appointed for the purpose of reporting to the Council as to what modifications are necessary or desirable in the Local Self-Government Act and the Municipal Act in Assam and the rules framed thereunder.

An amendment of S. J. Sadananda Dowerah omitting reference to the Municipal Act was adopted.

Sriyut Rohini Kanta HATI BARUA moved —

"This Council recommends to the Government of Assam that Charka spinning be introduced in all Primary schools of the province of Assam."

Sriyut Mahadev SARMA moved the following resolution —

"This Council recommends to the Government that early steps be taken to introduce spinning and weaving as compulsory subjects into all the Girls' Schools and spinning only into the Middle Vernacular or English schools and up to the class VIII of the High Schools of the Province.

Both the resolutions were put to vote separately and were lost.

Sriyut Kuladhar CHALIHA moved the following resolution which was carried —

"That this Council recommends to the Government of Assam to require employers of labour engaging 30 children or more under the age of 14 in their estates, factories, mines, collieries, refineries, workshops, etc., to maintain one or more Primary Schools at their cost at such time and place and for such hours with such curricula

as may be prescribed from time to time by the Department of Education, and to request His Excellency to undertake the necessary legislation immediately".

On the 1ST AUGUST Srijut Sadananda DOWERAH moved —

"This Council recommends to the Governor in Council that the following holidays may be granted to the Courts, Government Offices and Institutions in the Brahmaputra Valley, viz., 4 days on the occasion of the Bohag Bihu and 2 days on the occasion of Magh Bihu" The resolution was put to the vote and carried

Babu Brajendra Narayan CHAUDHURI moved —

"This Council recommends to the Government to move the proper authorities for postponement of the recommendations of the Lee Commission so far as this province is affected till the matter of constitutional and administrative changes which are being enquired into is finally disposed of" The resolution was carried

Srijut Nilmoni PHUKAN moved —

"This Council recommends to the Government of Assam that steps be taken to form Advisory Committees of non-official majority for local Railway systems of the province to safeguard the interests of the public" The motion was put and adopted

#### Additional Grants

On the 2ND AUGUST the Hon'ble Mr J. E. WEBSTER moved the following demands for grant which were all adopted —

"That an additional sum of Rs 35,000 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "Railways"

"That a sum of Rs 3,000 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "32—General Administration"

"That an additional sum of Rs 15,006 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "41—Civil Works"

"That an additional sum of Rs 1,437 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "Refunds"

The Hon'ble Maulavi Saiyid Muhammad SAADULLA moved the following demand for grants which were all adopted —

"That an additional sum of Rs 4,974 be granted to the Governor and his Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "34—Agriculture"

"That a sum of Rs. 5,000 be granted to the Governor and His Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1925 for the administration of the head "35—Industries"

The Council was then prorogued.

#### September Session

On the 17TH SEPTEMBER the Assam Legislative Council was opened by H E the Governor On the 18th September Maulavi Faiznur Ali moved a resolution relating to the abolition of Divisional Commissionerships in Assam The motion was adopted

Another resolution passed on this day recommended substantial assistance to be given by Government to Co operative Central Banks in Assam

On the 19TH SEPTEMBER Babu Brajendra Narayan Chaudhuri moved a resolution asking the Government to appoint a Committee to enquire into the system of general education in high schools and colleges in Assam The resolution was carried by a majority

Mr. S. Dowerah moved a resolution recommending to the Government that women be allowed to vote in and stand as candidates for election to the Legislative Council in Assam The resolution was carried by a majority.

On the 22ND SEPTEMBER additional demands were put forward by Government and were all adopted after discussion.

On the 23RD SEPTEMBER, the Hon'ble Mr F E WEBSTER moved for leave to introduce the Assam President's Salary Bill, 1924. The motion on being adopted, he further moved that the Bill be taken into consideration which was carried.

The Hon'ble Khan Bahadur KUTUBUDDIN AHMED moved for leave to amend the Standing Orders, chiefly in the following manner —

"(1) After the members have been sworn in at the beginning of each new Council the Council shall elect one of its members to be President

"(2) Every member who wishes to propose a member for election shall (i) ascertain previously that the member is willing to serve if elected, and (ii) hand to the Secretary of the Council a notice containing the name of the member he desires to propose, signed by himself and some other member as seconder,

"(3) The Secretary shall read out to the Council the names of the candidates together with those of their proposers and seconds, and, if only one person has been proposed for election, shall declare that person duly elected. If more than one person has been proposed, the Council shall then proceed to vote on the question by ballot, and the Secretary shall declare the person who receives a majority of the votes to be duly elected. The ballot shall be held in accordance with regulations made by the President in this behalf

"(4) An election shall be held in accordance with the procedure hereinbefore mentioned on the occasion of the first election of an elected President, or if a vacancy in the office of the President occurs during the life of a Council or if the Governor withholds his approval to any election. Provided that a member whose election has not been approved by the Governor shall not be proposed as a candidate during the continuance of the Council"

The motion was adopted

On the 25TH SEPTEMBER Rev J J M NICHOLAS ROY moved —

"That the Assam Temperance Bill, 1924, be referred to a Select Committee" The motion was put and carried

Brijut Nilmoni PHUKAN moved the following resolution which was carried —

"This Council recommends to the Government of Assam that the Government of India be moved to bear the whole expenses of maintaining the Assam Rifles"

Mr. Tara Prasad CHALIHA moved the following resolution —

"That this Council recommends to the Governor in Council that a Committee of enquiry be appointed with a non-official majority to enquire into the irregularities or excesses committed from November 1921 to the end of 1922 by the Executive in Assam, in connection with the suppression of the non-co-operation movement"

The resolution was finally lost by the President's casting vote

On the 26TH SEPTEMBER the Hon'ble Khan Bahadur Kutubuddin Ahmed moved that the report of the Select Committee on the draft amendments to Standing Orders be taken into consideration. The motion was carried. He also moved that the amendments as revised by the Select Committee be passed. The motion was put and adopted

The Hon'ble Mr J E WEBSTER moved that an excess grant of Rs 1,38,114 be voted by the Council to regularise the expenditure actually incurred in excess of voted grants in the year 1922-23. The motion was put and adopted.

Brijut Sadananda DOWERAH moved —

"That this Council recommends to the Government of Assam to place before the Reforms Enquiry Committee and the Government of India the opinion of this Council that the present diarchical system of Government in Assam should immediately be replaced by full Provincial autonomy and that all subjects be immediately transferred"

The discussion continued on this and the following day and was finally carried

The Council was then prorogued

# The Bombay Legislative Council

*JULY AND OCTOBER SESSION 1924.*

The SECOND SESSION of the Bombay Legislative Council met on the 21ST JULY at 2 p. m. in the Council Hall, Poona, Sir Ibrahim Rahimtulla presiding. The Council had a heavy agenda before it in the shape of Government and private Bills and non-official resolutions. Amongst the Bills, the Rent Act Extension Bill of which notice had been given by Govt., Mr Addyman and Mr Nariman claimed the major attention of the members. Other Govt. Bills were for the amendment of the Karachi Port Trust Act, for the provision of the Custody and Protection of Children, to amend the Deccan Agriculturists' Relief Act, to provide for Collection of Statistical Information for public purposes, to amend the Prince of Wales' Museum Act, to consolidate and amend the law relating to Co-operative Societies in Bombay Presidency, to amend the Bombay Smoke Nuisance Act, and to determine the Salary of the President of the Council. Of these the most contentious were the Children's Protection Bill, the Bill relating to Co-operative Societies, and the Bill for the determination of the President's Salary. The Children's Protection Bill was introduced in the first session of the Council and was refused leave for introduction on account of alleged grave defects in the provisions of the Bill. Government now re-introduced the Bill in the same form and hoped to carry it through in this session. The Swaraj Party had not yet come to any decision on this Bill. The present motion was only for leave to introduce the Bill and the Select Committee could carry out the necessary changes. The Bill to amend the Karachi Port Trust Act had been reported upon by the Select Committee and the point of controversy centred round a clause in the Bill providing for the representation of Labour interests by a non-official to be nominated by Government and for ensuring non-official majority. The list of non-official business in the shape of resolutions was a formidable one and contained notices of some 130.

The first item of business taken up on the meeting of the Council was the swearing in of newly nominated and elected members. The President next nominated the panel of four Chairman. The Council then adjourned to hear H. E. the Governor's address to the Council. His Excellency delivered his speech in a lucid and impressive style. The speech occupied only fifteen minutes. After His Excellency's speech a number of interpellations and supplementary questions were put and answered. A number of questions were asked to ascertain the number of posts given to non-Brahmin communities, Mohamedans, Backward Classes, etc. Interpellations were also made regarding the exercise of powers by District authorities in case of holders of licenses under the Arms Act on the ground that they were Non-cooperators. One interpellation enquiring why certain vernacular Nationalist papers in Sind were not supplied with Government publications was met by an answer that their circulation was inconsiderable, being under one thousand. On a series of questions relating to the cancellation of licenses under the Arms Act, Mr Jayakar demanded a pronouncement from the Home Member if these actions were in pursuit of settled policy of the Government regarding Non-cooperators or was the result of the exercise of discretion by individual officers. The Home Member demanded notice, and when pressed further, said that the cancellations were for the maintenance of law and order.

## The Rent Act

After the interpellation period was over, Government motion to introduce the Bill to amend the Rent Act to extend protections to dwelling houses in Karachi from 31st August, 1924, to the end of December, 1925, was taken up. Mr Jayakar, the leader of the Swarajya Party, pointed out that no notice had been given to the members of the Council on the proposed order of business. The Hon. Mr. Cowasji Jehangir explained that Government would meet the wishes of the House by not moving the Bill that day, but could give no assurance as to when it would be moved.

## The Bombay Municipalities Act Amendment

The House next took up the second reading of the Bill to amend the Bombay District Municipalities Act, 1901, as amended by the Select Committee. The Bill was passed clause by clause. When clause 5 came Mr Pahalajani desired that Govern-

ment should not amend section 91 A of the existing Act so as to restrict the compulsory obligation of Local Boards to have a definite alignment of street lines to City Municipalities only, and not to District Municipalities. Mr Pahlajani's amendment was defeated. Then Messrs Dixit, Advani, and Nariman wanted to delete the clause which empowered Government to supersede municipalities. There was a hot debate on this point when Mr Jayakar, speaking as the leader of the Swarajya Party, said that they would permit the adoption of the motion as a lesser evil and bring another measure afterwards to deprive the Government of the power of supersession. The Bill passed its second reading and third reading and was then passed into law.

#### The Childrens' Protection Bill,

The Hon. Mr Hidayatullah next moved in a brief speech a Bill for the Protection and Custody of Children. He claimed that full publicity had been given to the Bill, and public opinion was in favour of the principles of the Bill, although criticism had been made of many provisions which could be considered in committee stages.

The important provisions of the Childrens' Protection Bill are—Powers conferred under the Act were exercisable by courts of Second Class Magistrates and above. Provisions relating to custody and protection of children and young persons who are destitute, etc., were embodied in sections 7 and 8 and are drastic. They permitted police officers of the rank of police Sub Inspector and upwards to take custody of children and youthful persons who in their opinion were destitute or in respect of whom in their opinion offences have been committed under provisions of this Act.

The chief objection taken to these provisions was that it gives a wide discretion to subordinate police officials of the rank of sub-inspector to determine as to whether any given child or youth came under these provisions or not. In a country where police officials are unpopular and petty officials have been known to misuse discretionary powers granted to them in rural areas, much harm could be done in the exercise of powers created under the Act. It was a common note of criticism that wide and arbitrary powers given to police under provisions embodied in sections 9 to 12 relating to offences against children and young persons and their prevention were more drastic. They read in their main clauses as follows. Section 9 reads, "(1) whoever having the actual charge of or control over a child or young person, assaults, ill-treats, abandons, exposes or wilfully neglects such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description extending to two years or with fine extending to Rs 1,000 or both." Section 11 reads, "whoever having actual charge of or control over a child or young person between ages of four and sixteen allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both." Section 13 reads—"A police officer not below the rank of sub-inspector or a police officer or a person authorized in this behalf in accordance with rules made by the Governor-in-Council may take to a place of safety any child or young person in respect of whom an offence punishable under this Act or under Chapter 195 of the Indian Penal Code (1860) has been committed." Section 15 authorises courts to issue search warrants authorising a police officer to search places and take custody of children if the Court is satisfied by information on solemn affirmation that offences against children or youth are committed.

The Discussion of the Bill lasted till next day, the 22nd July. Speeches were made for and against the Bill. Mr Nariman, Mr Saptarshi, Mr. Jayakar and other Swarajist members subjected provisions of the Bill to powerful criticism, while many speeches were also made in support of the passing of the first reading of the Bill.

The criticisms centred round the fact that police stations were deemed to be places of safety, that excessive punishment was prescribed for cases of assault, ill-treatment, etc., and that police officials were authorised to enter residences with search warrants and to take custody of children. In view of the fact that the Bill's provisions apply to youths of both sexes of the age of 16 and under, there was much room for fearing misuse of provisions of the Act. It was on these grounds that the Council refused leave to introduce the Bill in the last session. In this session however although the same Bill was introduced and severe criticisms were made by Nationalist members, Government found a large number of supporters both amongst Mahomedans and non-Brahmins. All speakers recognised that there was

much scope for improvement of the provisions of the Bill. A large number supported the first reading and reference of the Bill to a Select Committee. The debate was conducted on the whole in good humour except for offence taken by Mr Montgomerie, Home Secretary, at the direction of the bulk of criticism by Swarajists against police officials which in turn led to spirited protests by Mr Jayakar the leader of the Swarajya Party. Mr R G Pradhan, Maulvi Rafiuddin Ahmed, Dr. Dadachanji, Mr Pratt and other members spoke in support of the Bill. Mr. Nariman who criticised the Bill vigorously said it was comical that police stations of all places should be considered as place of safety and it should be open to police officials to march girls under age of 16 to stations in their discretion!!!

As the debate progressed it seemed as if the motion would lead to a division of the House. But on an assurance having been given that Government would allow even in the second reading amendments to the Bill without raising any question of principle, Mr Jayakar announced that his party would pass the first reading. This facilitated the first reading of the Bill.

The next Bill to amend the Deccan Agriculturists' Relief Act was taken up and after a discussion was thrown out without being pressed to division. The next Bill to provide for Collection of the Statistics was moved and was under discussion when the House rose for the day.

#### The Collection of Statistics Bill

The Bill, as the title indicates, provided for collection of statistical information for public purposes. Under the Bill "industry" includes (a) any business, trade undertaking or calling of employers, (b) any calling, service employment, handicraft or industrial occupation or a vocation of employees, and (c) a branch of industry or a group of industries. Clause 6 of Section 4 gave the Government unlimited powers to extend the Act to any purpose. Section 10 gave power to Agents of Director of Statistics to enter factories as a matter of right to make enquiries. Section 11 provided punishment for refusing or neglecting to supply information or supplying false information,—simple imprisonment extending to 6 months or fine extending to Rs 1000 or both. According to Sir Maurice Hayward the general principles of the Statistical Acts are almost universally accepted and India is now almost alone among the chief industrial countries in being without legislation for collection of statistics. The Imperial Statistical Conference which met in London in 1920 definitely supported the principle of collecting statistics under statutory powers. Since the Bombay Government Labour Office was founded in April 1921 statistics have been collected without compulsion in a few exceptional cases notably in engineering trades. Smaller concerns have been unwilling to furnish statistics although they were given assurances that no individual returns would be published. Recent industrial strikes in the Presidency especially in Ahmedabad proved the necessity for complete and accurate information.

After Sir Maurice Hayward had introduced the Bill, the debate was opened by Mr J. A. Key. Mr Gobaidhandas Patel, representative of the Ahmedabad Millowner's Association, followed Mr Key. He strongly criticised the omission of the Government to circulate the Bill for opinion to commercial bodies and said it was a fit matter for the Government of India to legislate upon. Mr Nariman also opposed the Bill. He warned the Government that strenuous opposition will be offered to the first reading of the Bill unless Government undertook not to press for retention of Clause 6 of Section 4 or other drastic provisions. Under this provision the Governor-in-Council, can, by notification in the "Gazette," extend the scope of the Bill to any other matter. Mr Nariman asked what guarantee there was that the provisions of the Bill would not be applied to harass the Congress Committees, inconvenient political opponents engaged in any calling or trade from a lawyer to petty merchant and referred to misuses made of the Passports Act. The Council would certainly be justified in throwing out the Bill or instead adopting a motion circulating the Bill for public opinion.

He said it was all well for the Hon Home Member to dazzle the House with the list of the countries which had acts of a parallel nature on their statute book, but was there a single country amongst them which was in the unfortunate position of India without autonomy in her own land. If Government chose to abuse the provisions of the Bill, what remedy did people have against such a contingency?

Mr. Lalji Narayanji said he chiefly opposed the Bill on the ground that the Indian Merchants' Chamber and Bureau had not been consulted on the provisions of the Bill. He did not, however, confine himself to that issue. He asked why had not the Government of India taken up this Bill also when it had undertaken

to shoulder the Bill relating to the creation of industrial courts? Was there any ulterior motive in it that the Government of Bombay should legislate for a province in which industries were in the hands mainly of Indians, letting Bengal which had had quite enough jute for its base industry in the hands of Europeans? He said he did distrust the Government and would oppose giving of extensive powers. Let Government give them self government and he would then willingly give an Indianised Government all wide powers they asked for.

On the 28RD JULY the Council continued with the Statistics Bill. There was an element of Nationalists and Indian capitalists determined to oppose the first reading and another section, though small, equally bent upon overpraising the Bill as a counterblast to opposition. If the motion had been pressed to a division with the active canvassing on both sides, a majority in either case would have been narrow and bitter feelings would have been the result. Instead a happy turn was given by Mr Jayakar. He urged the Government to consider the advisability of deferring to public opinion and postponing its consideration to the next session and reintroducing the improved Bill. Government acceded to the suggestion and did not oppose the motion of Mr Pahaljani for its postponement.

#### Other Bills

The Hon Mr C V Mehta, Revenue Member, next moved that the consideration of the Select Committee's report on the Bill to amend the Land Revenue Code be taken up and explained the report of the Select Committee could not be circulated before that morning and hoped the Council would not insist upon notice of 15 days required by standing orders.

On the President consulting the House, Mr Jayakar explained how the Bill proposed drastic changes in regard to acquisition of private lands and the House could not do justice to the Bill in this Session. Consideration of the Bill was accordingly adjourned. The Hon Mr Cowasji Jehangir next presented the report of the Select Committee on the Bill to amend the Karachi Port Trust Act.

Mr Nariman raised a point of order that the Report of the Select Committee was not in order as the majority of signatories, that is five out of nine, had dissenting notes. The President ruled the objection out of order. Several amendments of which notice had been given were withdrawn by leave of the House and certain minor amendments by Mr Abdulla Haroon not being opposed by the Government, the House passed the second and the third reading of the Bill without discussion.

On JULY 24TH the Bill to extend the duration of the Karachi Rent Act to the end of 1925 was introduced by Sir Cowasji Jehangir. The discussion on the bill evoked some warmth on the part of the champions of the land-lords and the tenants. The Swarajists did not make it a party question, and most of them supported the bill. It was finally carried by 63 votes to 25. The Hon Mr Dehalvi then introduced the Bill to consolidate and amend the law relating to Co-operative Societies in Bombay.

On the 25TH JULY after referring the Co-operative Societies bill to a Select Committee including several Swarajists, the Council passed without much discussion three Government bills of minor importance, viz, bills amending the Bombay Port Trust Act, Bombay Smoke Nuisances Act, and the Prince of Wales' Museum Act. Then the Government resolution for amending the standing orders came up for discussion. That discussion was continued on the 26th July when an important amendment of Mr Pahaljani was carried. Amendments with regard to the principle involved in any bill could be heretofore moved only at the time of the first reading. Now, in accordance with Mr Pahaljani's amendment, even at the second reading or in the Select Committee such amendments could be moved. The importance of the new rule can be readily understood if one takes into consideration the fact that Mr Dixit's amendment to the Dist Municipal Act Amendment Bill was declared out of order according to the old rules. Mr Pahaljani's amendment however was to come in force only after it came out from the Select Committee on standing orders. As this Select Committee was an elective body, it included Swarajists like Messrs Bhopatkar and Shivadasani. Mr Pahaljani proposed that the Select Committee should report within four days. But the Government wanted to put off the matter for a period of two months. The question was put to vote and Mr. Pahaljani's proposal was lost.

## Supplementary Grants

There were several additional grants of minor importance which were readily sanctioned by the Council. With respect to the additional grant for the Police Mr. Nariman urged the necessity of giving licences for arms freely to respectable citizens. He also requested the Government to make the force known as the Governor's Body-guard available to the public for the protection of their life and property. The Police grant was passed without division. Then came up the supplementary grant for the establishment of the Director of Information. That grant was rejected by the Council in the last session and Government introduced it again, taking advantage of the recent resolution of the Government of India. Swarajists opposed the grant but they were finally defeated and the grant sanctioned. The very re-introduction, in some form or other, of a grant totally refused by the Council only four months ago, was condemned by the Swarajists as a serious challenge to the dignity and self-respect of the House. The motion was carried by 51 votes to 35, the non-Brahmin party voting *en bloc* with Government. This was the last item in the official business.

## Non-official Bills.

On Monday the 28TH JULY non official business was taken up. There were several important questions in question time. Government could not give any satisfactory explanation as to why Mr Horniman was not openly prosecuted and as to how the establishment of the Director of Information was carried on in spite of the adverse vote of the Council. Mr Surve then asked for leave to introduce his Dist. Police Act Amendment bill, the leave was granted. Mr P. G. Joshi then asked for leave to introduce his bill amending the Local Boards' Act. But it was refused by 51 votes against 31, the non Brahmin party being against it. Mr Addyman's bill regarding the Bombay Rent Act was also refused leave by 43 to 41 votes.

## Motion for Adjournment

Then came up an important adjournment motion of Mr Nariman. He had given notice of it on the 26th when the grant for the establishment of the Director of Information was being discussed. The motion was for adjournment of the House to consider the resolution issued by the Government of India enabling the Provincial Governments to re-introduce grants once rejected by the Council. Speaker after speaker from the Swarajist ranks condemned in the strongest terms the dangerous principle that the Government was introducing by that order. Government was making the whole machinery inaugurated by the Reforms a mere farce. It was an end of dyarchy which the Swarajists were out to destroy. They therefore claimed it as a distinct triumph. They only condemned the unstatesmanlike manner in which the Government attempted to hide its ignominious failure. Sir M. Hayward tried to defend the Government by representing the new rule as an additional power given to the Council to revise its decisions! It was a part of his official duty to defend Government and he did it as best as he could in the circumstances. But Mr Surve, the leader of the non Brahmin Party, supported Government. The President accepted a closure of the debate on the adjournment motion. Sir M. Hayward wanted to see the motion talked out but when put to vote the motion was lost by 51 to 43 votes.

## Non official Resolutions

Mr R. G. Pradhan then moved his resolution for establishing partly elected and partly nominated District Councils. There were several amendments to it and the discussion was continued on the 29th. The mover traced the history of the question since the time of the late Mr G. K. Gokhale. Mr Advani's amendment made it compulsory for the Collector to consult the Council. He also proposed that members of that Council should be elected by the several municipalities and local boards in the district. Mr Saptarshi's amendment proposed statutory recognition and elected presidents. The non Brahmin party stood firmly by the side of the Government against the resolution. All the amendments were negatived and the main resolution shared the same fate, as many as 39 voting against it and only 31 voting in favour of it.

Mr Haji Abdul Haroon's resolution requested the Government to extend the period of revenue settlement in Sind to twenty years. The mover made his speech in Urdu and Mr Noor Mahomed supported him in English. The Government accepted the resolution. Mr R. G. Soman's resolution requested the Government to



issue orders to the district officers to supply information to members of the several legislatures. The Government accepted the resolution with a slight change.

By far the most important resolution of the session was about remitting the remaining period of imprisonment of Mr. Divakar of Dharwar. In moving the resolution Mr. Jog traced the history of Mr. Divakar's life up to his imprisonment. His high intellectual attainments, his sincerity as a worker and his delicate constitution made the plea for clemency stronger. The irregularities in his trial were also put forth. He was sentenced to two years' rigorous imprisonment for printing a leaflet which was proscribed four months before the trial. The author and the publisher were left scot-free. It was alleged that the printing of the leaflet was only an excuse which Government found handy. The discussion did not end on the 29th and was continued on the 30th. The Non-Brahmin party showed their inclination in favour of the resolution. Mr. Surve moved an amendment to the effect that Mr. Divakar should be released "subject to such reasonable conditions as the Government think necessary to impose." The amended resolution was carried by 48 votes to 42.

Mr. Bole's resolution about making maternity benefits compulsory by legislation in the case of working class women was then moved. Government admitted the importance of the subject but could not see their way to support any legislation in the matter. After a rather dull debate the resolution was carried unanimously, the Government benches keeping a neutral attitude.

Mr. Mavlankar then moved his resolution about removing the president of the Dhanduka Municipality. That president had doggedly clung to his seat in spite of the members asking unanimously for his resignation. But he had to resign in order perhaps to save the ignominy of an adverse resolution and a thorough exposure of his unconstitutional behaviour in the Council. It came as an agreeable surprise therefore when the resolution was withdrawn.

Mr. Dongersing Patil's resolution to appoint a committee to investigate the grievances of the public with regard to Forest Administration was accepted by the Government with a slight amendment. Then came up Mr. Sahiba's resolution for interest-free *tagai* advances to cultivators for sinking wells and the recovery of these advances by 15 instalments. The Minister for Agriculture gave a very lengthy explanation about the attempts that were being made by Government in that respect. Rao Saheb Desai made a well-reasoned speech in support of the resolution. Mr. Gunjal made a very touching speech in Marathi. As an agriculturist he appealed to those who called themselves representatives of the agriculturists to support the resolution. Their vote, he said, would be a test of their sincerity in the matter. The resolution was put to vote and carried by 48 votes to 28.

On the 31ST JULY the discussion on Dr. Velkar's resolution about the removal of restrictions on Mr. Vinayak Damodar Savarkar took all the time before lunch. Dr. Velkar began to enumerate the rigours of Mr. Savarkar's jail-life, but was interrupted by the Government benches. He then described the change of political situation in the country since the time when Savarkar was convicted. Mr. Surve brought an amendment to the effect that all the restrictions except those relating to political matters should be removed. This was regarded by the Swarajists as an insult to the main spirit of the resolution. Mr. Nariman vehemently condemned the non-Brahmin leaders' policy. He styled the amendment as one killing the manhood of the Nation. Members who showed so much solicitude for the protection of childhood and womanhood in the Nation, were, he said, killing the very manhood of it in the shape of political activity. Sir Maurice Hayward, of course, opposed both the resolution and the amendment. Mr. Surve's amendment was lost and the main resolution was also defeated by 50 votes to 37.

After lunch Mr. Saptarshi moved his resolution embodying the recommendations of the Excise Committee. He dealt with the history of the excise policy of the Government. There were several amendments to the resolution. But the intention underlying them all was the same, namely, to obtain from the Government a definite statement that the goal of their excise policy was total prohibition and that it would be achieved by definite step in a fixed period of time. But the Excise Minister made a non-committal speech and asked the House to wait till the Government fully considered the pros and cons of the report.

Next day, AUGUST 1ST, the discussion on Mr. Saptarshi's resolution, which practically assumed the form of a discussion on the recommendations of the Excise Committee,

was continued. It was quite clear that the House would pass the resolution with one of the several amendments. The defeat of the Government seemed certain. The Government tried to get over the difficulty by supporting Mr. Bole's motion to postpone the question *sine die*. But the motion was defeated by 46 to 35 votes. Mr. Baptarshi accepted Mr. Surve's amendment which deleted local option as a means of attaining total prohibition and extended the period within which the prohibition was to be effected to 20 years as against ten years as laid down in the original proposition. All other amendments were withdrawn and the amended resolution was carried by 45 votes to 28.

Mr. Karkī from Kanāda drew the attention of the House to the devastation caused by floods in his district and the Home Member assured him of sympathetic help from Government. An urgent private bill regarding the settlement of the property of the late Sir Chinubhai of Ahmedabad was then introduced by Sir M. Hayward. It was carried through all the stages and passed. Mr. Palalajani then moved his resolution for the abolition of honorary bench magistrates in Sind. A very interesting discussion followed revealing how favouritism in the selection of these magistrates made them extremely unpopular and incompetent. The Home Member had to admit that the selection of these magistrates was faulty and assured the House that Government will try to improve selection and reconsider the whole question. The mover then withdrew his resolution and the Council was prorogued.

### The October Session

The October session of the Bombay Legislative Council commenced on the 13th October and came to a close on the 25th. It lasted for full two weeks. The proceedings of the last week were more important than those of the first week. The major part of the first week was occupied by the discussion of the Childrens' Protection Bill. There were differences of opinion as to the details of it. But there were no two opinions as to its underlying principle. The matters that were discussed in the second week showed the great differences between the Government and the people. The second week's proceedings therefore naturally attracted more public attention than those of the first.

On the 1st day it was announced that His Excellency the Governor had granted full five days for non official business. There were for the non officials four important bills and 163 resolutions. When this was announced, Mr. Jayakar asked the President how many days would be taken up by official business. He was told that all the official business must be finished and there was no time limit to it.

### The Childrens' Protection Bill

The discussion on the Childrens' Protection Bill took up more than three days. The principle of the bill was admitted by all as a sound one. But there was fundamental difference between the people on the one side and Government on the other. The Government assumed that every single petty officer engaged in the administration of the criminal law was above reproach and proposed to give wide powers to these officers with a confidence, which, considering the circumstances in this country, was in many cases utterly misplaced. People know too well how in this country most innocent sections of the criminal law become dangerous instruments of persecution in the hands of over zealous officers. Consequently the Swarajist members scrutinised every word of this piece of experimental social legislation which made the officials not a little uneasy. The Home Secretary charged the Swarajists of introducing political considerations everywhere. Many of the minor amendments were accepted by the Govt. either as they were or with slight amendments. Some of them were not pressed to a division. But there were a few amendments on which the non-official side and particularly the Swarajists were very keen. For instance on the first day Mr. Nariman's amendment preventing the detention of girls at police stations was strenuously opposed by Government. The amendment was however carried by 44 votes to 34. On the second day Mr. Nariman succeeded in carrying another important amendment in the teeth of official opposition. His amendment in effect excluded "singing, playing, performing or offering anything for sale" from the category of begging which was made an offence. On the third day Mr. L. B. Bhopatkar proposed an amendment to Clause 37 of the bill, making certified schools liable to be inspected "by the members of the Bombay Legislative Council and by such members of the Legislative Assembly and the Council of State as represent the Presidency of Bombay therein." The Government who placed such an implicit

faith in the integrity of their own inspectors could not see their way to give the members of the Council an opportunity to see the proper execution of the enactment to which they (the members) themselves were asked to give consent. Mr. Bhopatkar's amendment was however carried by 44 votes to 33. Two other amendments on that day led to heated discussions. The one was by Mr. S. S. Deo. It proposed to delete the sentence of whipping in the enumeration of the ways of punishing juvenile offenders in Clause 27. Mr. Deo earnestly appealed to the official benches to accept that amendment, if they had any respect for the keen popular resentment of this brutal method of punishment. Mr. Jayakar warned the Government that the Swarajists would, to the last drop of their blood, oppose this barbarous method of punishment wherever it occurred. The amendment was carried in spite of official opposition.

The discussion on Clause 45 assumed a political character, Mr. R. G. Pradhan proposing to delete the Clause altogether. That Clause empowered the Government to inspect from time to time, for the purpose of securing proper sanitation of any institution which took care of poor children. Mr. Jayakar had taken serious objection to that Clause at the first reading of the bill in the last session. And although it was subsequently amended by the Select Committee, it was still liable to be abused by unscrupulous officers in times of political ferment. While supporting Mr. Pradhan, Mr. Jayakar had some plain speaking about the inquisitorial visits of educational inspectors. The Hon. Mr. Jadhav rose to defend his department and mentioned the fact that Ahmedabad national schools had of their own accord accepted Government inspection. He was however contradicted by Mr. Dhanabhai Patel, the Swarajist member from Gujarat. The President here intervened in order to prevent the debate from drifting into side-channels. Mr. Pradhan's amendment was lost by 49 to 34.

The preservation of the religion of children was another important point and the Swarajist members took every possible care to amend the bill with that view. The Government adopted a conciliatory attitude in respect of these amendments, and readily accepted them. The importance of these amendments will be realised if one looks to the fate of children made destitute in the influenza epidemic. Detailed information about these was furnished by the Government themselves in the last session on the interpellation of Mr. Deo. From that it came out that several children were entrusted to Christian missionary institutions by Government and no one knew what happened to them. The amendments of Messrs. Deo and Lalji were to the effect that every institution to which poor children were entrusted by Government should undertake to bring them up in the religion of their birth.

The bill contained in all 52 clauses of which the first 45 were finished in three days. The last amendments proved to be the most important and they took two more days. Mr. Advani's amendment to clause 46 proposed that Session Courts in the districts to which the Act was to be applied, should appoint non official committees to fix upon the "places of safety" under the Act. But it was objected to by the Government benches on the ground that it went beyond the scope of the bill and therefore required previous sanction of the Governor. It was not thought advisable to postpone consideration of that bill till the sanction was granted and Mr. Advani therefore agreed to withdraw his amendment. A few more of such amendments were similarly withdrawn. Mr. Bhopatkar's amendment on the last clause gave rise to another lengthy debate. He proposed that the rules framed under the bill should not come into force unless sanctioned by the Council. The original clause provided that the rules should be placed before the Council in the next session, but meanwhile they should come into force. Mr. Bhopatkar wanted that they should not come into force before the Council's sanction. Mr. Jayakar proposed a slight modification in Mr. Bhopatkar's amendment which the latter accepted. But the Government opposed it and non Brahmins lent their support to the Government. Mr. Jayakar's amendment was lost by 37 to 51. The second reading of the bill was thus complete.

While the discussion on the Children's Protection Bill was going on Mr. Pradhan had raised an interesting question on the 16th October by asking leave for a motion of adjournment on the question of demanding full provincial autonomy for Bombay presidency. But it was ruled out of order as motions of adjournment could be brought only on questions of recent occurrence. Mr. Pradhan had sent a resolution on the subject in the last session, but it was disallowed by the Governor even after the President had admitted it. The next day Mr. Pradhan asked a question about the number of resolutions hitherto disallowed by the Governor. But that too was disallowed by

the President on the ground that the conduct of the Governor could not according to rules be discussed in the Council.

#### Other Government Bills

The Land Revenue Code Amendment Bill was postponed by Government till the next session. The Co-operative Societies Bill was the next in order. The Bill contained 74 clauses and the number of amendments double that figure. The Bill had been hurried through the Select Committee and several members had complained in their dissenting minutes that their suggestions were not even admitted by the President. That was the cause why so many amendments were put up. The Government therefore proposed to send it again to the Select Committee in order to consider the amendments. Mr Deo however proposed that the reconsideration of the Bill by the Select Committee should not be limited to these amendments only. The Government accepted the suggestion and the bill was again sent to the same Select Committee.

The Bill to determine the salary of the President of the Council was then taken up. Mr Pradhan proposed to reduce the salary from Rs 3,000 to Rs 2,000 per month. He moved his amendment in a spirited and argumentative speech. He had the recent precedent of Madras on his side. But after a good deal of discussion his amendment was lost. Mr Jayakar then proposed that the President should not be a whole time officer of the Government. While his amendment was being discussed the Council was adjourned till the next day.

On Saturday the 18TH OCTOBER, Mr Jayakar's amendment was discussed at great length. Government thought it wise not to oppose it, and it was carried almost unanimously. The result of this amendment would be that the President of the Council would be free to move in public life and would not be under strict official discipline all the year round, like other officials of Government. The Bill was then read a third time and passed.

The Bill to prevent adulteration of food was then introduced by the Hon. Mr Jadhav. A few speeches were made by way of suggestions to the Select Committee and its first reading was carried. It was then referred to a Select Committee. Three minor amending bills of technical and non-controversial nature were then passed without much discussion. The Bill to amend the Bombay Municipal Act was being considered when the House was adjourned.

On 20TH OCTOBER the Bombay Municipal Act Amendment Bill was discussed. The Hon. Mr Hidayatulla agreed to bring no objection at its second reading to an amendment giving the Bombay Corporation the right of appointing its own Commissioner. The first reading was then carried without much discussion.

#### Supplementary Grants

Supplementary grants were taken up after lunch. There were several re-appropriations from the department of industries to the agricultural, educational and forest departments. Mr Jayakar asked the Minister whether anything was left of the Industries department after this process of dismemberment. The popular suspicion was that the department was being destroyed by Government with a vengeance in order to punish the Council for abolition of the post of Director of Industries. The Minister repudiated the charge but his Secretary seemed to contradict him by saying that the department was practically closed by the removal of the Director.

The grant of Rs. 24,000 for the bungalow of a Forest Officer, though sanctioned in the end, afforded opportunity for the Swaraj Party to express the feeling of discontent of the people at the extravagance of luxurious official bungalows. In spite of the protest raised against the photo copying system of registration by all sections of people affected by that system, Government demanded an additional sum of about £900 for the purchase of photo copying material from England. Both Mr Jayakar and Mr Surve with their followers opposed the grant and it was rejected by a large majority. Several other grants were then passed without much discussion.

The Hon. Mr Lawrence moved that formal re-appropriations from one department to another should be made by the sanction of the Standing Finance Committee and that the re-appropriations should be subsequently reported to the Council. The Government pretended that it was a matter of mere administrative convenience. But in

reality it proposed to deprive the Council of one of its most important powers. It was said that these wonderful devices called reappropriations are often used to defeat the wishes of the Council. Mr Nariman raised a point of order about the legality of this procedure. He said that the Council alone possessed power to sanction subsequent changes in the budget grants and it cannot delegate that power to any other body. No section or rule of the Government of India Act provides for such delegation. The President allowed full discussion on the point of order and on the next day ruled the Government motion out of order.

On Tuesday, the 21ST OCTOBER, the report of the Public Accounts Committee for 1922-23 was postponed *sine die* on the motion of Mr P. G. Joshi. The only official motion that remained was the motion of Hon. Mr Dehlavi to revise the cotton zones in Surat district under the Cotton Transport Act in order to prevent mixture of inferior and superior cotton. To this motion Mr Shrivadasani, the member for Surat, moved an amendment. The Cotton Adulteration Bill in the last session of the Legislative Assembly was opposed by Mr Aney. The motion of Mr Dehlavi was of a similar nature. There was a popular suspicion that the main purpose of the bill was to protect the foreign purchasers of cotton. Mr Shrivadasani took strong objection to the appointment of licensing officers who, he said, would harass the cultivators instead of helping them. His amendment would have probably led to a long discussion but the Hon. Minister asked for time to effect a compromise, which was readily granted by the President. The compromise was effected and the Council passed it on the next day without much discussion.

On the 22ND OCTOBER the report of the Select Committee on the amendment of Standing Orders was then introduced. There were several amendments, the most important being that of Mr Pahaljani. It proposed to allow amendments of principle at the second reading of a bill. The question of deciding whether an amendment is of principle or not, was a very difficult one. For instance it was very difficult to say whether Mr Bole's last amendment to the Children's Bill was of principle or not. Mr Jayakar brought to the notice of the Council the fact that in other Councils amendments of principle were allowed even at the second reading. The amendment was however lost, the majority voting against it. Other amendments were then referred to a Select Committee consisting of Messrs Nariman, Bhopatkar, Baptista, Lalji and Kambli, Hon. Mr Mehta and Hon. Mr M. Hayward.

#### Non official Bills.

Non-official bills were then taken up in order. Mr Surve introduced the bill to amend the Bombay Dist. Police Act of 1890. The purpose of the bill was to prevent Government from imposing punitive police without the previous sanction of the Council. The mover described how the indiscriminate use of the power of imposing punitive police led to hardships. The Home Secretary opposed the bill. He quoted in his support a speech of Mr Vallabhbhai Patel, in which he had advised the people of Navli to pay the expense of additional police imposed to prevent railway thefts. The first reading of the bill was carried by 41 votes to 39. Mr Surve then moved the second reading. But the Home member moved that the bill be referred to a Select Committee and his motion was carried by 45 votes to 34.

On the 23RD OCTOBER Mr Surve moved a resolution recording the Council's appreciation of the services of Sir Ibrahim Rahimtoolah who was shortly after retiring. The resolution was supported by men of all parties and shades of opinion in the Council and passed unanimously. The President then thanked all the members for their appreciation of his work.

Mr Bhopatkar then asked for leave to introduce his bill to alter the constitutions and to widen the powers of Municipalities. Mr Kambli though agreeing with the purpose of the Bill, opposed it on the ground that Government were going to introduce a similar bill. The Hon. Mr Hidayatulla said that Mr Bhopatkar had borrowed Government's suggestions. Mr Bhopatkar was surprised at the statement of the Minister and pointed out specific difference between the two proposals in relation of the charge. Leave was granted by forty three against forty one.

Next came Mr Nariman's motion for leave to introduce his bill to amend the Bombay Rent Act. He wanted to make certain changes in it. The President pointed out that there was a constitutional difficulty. For though the bill itself had the sanction of Government the proposed changes had not. So the bill could not be amended however trifling the amendments might be. Mr Nariman, therefore, asked

leave to introduce the defective bill leaving the matter of amendment to the discretion of the members. The Hon Sir Cowasji Jahangir stated that Government themselves proposed to introduce a comprehensive bill on the subject in the next session. After some consultation Mr Nariman withdrew his bill in view of this assurance.

Mr Hooseinally M Rahimtoola introduced the fourth and last non-official bill on the agenda. The Bill was for the further amendment of the City of Bombay Improvement Act of 1898. The bill being of a non-controversial nature, was accordingly hurried through all the three readings and passed.

#### Non-official Resolutions

Non-official resolutions were then taken up in order. Mr M D Kark moved that *Taga* Loans should be advanced to those persons whose property was damaged in the recent floods in the Kanara district. The resolution had the hearty approval of all sections of the House and it was carried almost unanimously.

On Friday, the 24TH OCTOBER, Mr Noor Mahomed from Sind raised another unforeseen topic before the next resolution on the agenda was taken up. He brought to the notice of the house a press note in the Sind Government Gazette, which contradicted certain statements made in the Council by Mr Khora, a member of the Council. Mr Noor Mahomed contended that the contradiction should have been made in the house and not outside it. The Home Member said that Government were sorry for the press note. This expression of regret satisfied the house and the matter was dropped.

Mr Zunzar Rao then moved his resolution 'that convicts undergoing sentences passed in connection with the murder of the mamlatdar of Akola be released'. The Government assured that the matter would be sympathetically investigated. Thereupon Mr Zunzar Rao withdrew his resolution.

Mr Shinde moved a resolution about the convenient readjustment of the territorial jurisdiction of subordinate judges. It was passed.

The next resolution gave rise to quite a stormy debate. It was about the Development Department. Mr Nariman moved that a Committee to investigate the administration of that department should be appointed. Government took its stand on the fact that they had already appointed such a Committee. Mr Jayakar wanted four representatives elected by the Council to be added to that Committee. The Government however could not see their way to agree to that proposal, and the non-Brahmins sided with the Government. The resolution was put to vote and was passed by 39 to 35.

On the 25TH OCTOBER the Council sat for only 3 hours. A question was asked by Mr R G Pradhan who wanted to know whether the Ministers had submitted any memorandum to the Reforms Enquiry Committee. The Hon Mr Hidayatullah, the Senior Minister, in reply stated that they had sent a joint memorandum.

A resolution moved by Mr Punjabhai Thackersay recommended the appointment of a committee with a non-official majority to enquire into the grievances of agriculturists and labourers in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice. Feeling ran high on both sides of the House as concrete instances of maltreatment of villagers by the touring officers came to be mentioned in the course of the debate. Mr Deo moved an amendment which dispensed with the appointment of the committee, but merely wanted the Government to go into the matter, the grievances complained of being well known even to the Government. The resolution as amended was finally passed.

Mr Durgadas Advani drew the attention of the Government to the need of flood relief in Sind to which the Finance Member promised his sympathetic attention.

**The Council was then prorogued**

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# The B. & O. Legislative Council

AUGUST SESSION 1924

The RANCHI SESSION of the Legislative Council opened on Tuesday, the 19TH AUGUST at 11 A.M., the Hon'ble Khan Bahadur Khwaja Mohamad Noor presiding. His Excellency Sir Henry Wheeler opened the session with an inaugural address.

## The University Resolution

After interpellations, Sir Mohamad FAKHRUDDIN moved the resolution regarding the Patna University. He said that ever since the inauguration of the reforms, no question had excited greater interest. He refuted charges levelled against him and the Vice Chancellor regarding his scheme.

Maulvi MOHAMMAD HUSSAIN moved his amendment urging the location of the residential and teaching university on or near the site of the university, the building being supplementary to the present Patna College building, and that the cost be 26 lakhs. The mover said that the cost of the Phulwari site would be 50 lakhs whereas the site he proposed would cost but 26 lakhs. The question of transport and conveyance would be a serious difficulty if the university were located at Phulwari.

Mr MADAN moved his amendment urging the location of the residential university in the neighbourhood of the Patna College at a cost of 26 and half lakhs.

Khan Bahadur NAIM moved his amendment urging the improvement of the Patna College, that the Patna university be continued as an affiliating and examining university, and that rupees twenty lakhs be spent for that improvement.

He said that he fully endorsed the Minister's statement that there were honest differences of opinion on the subject. He for one was not enamoured of residential university and he was opposed to the idea of starting one. Answering an interruption by the Hon'ble the Minister of Education, he said he was not opposed to the establishment of hostels in College and school grounds. But that was a different thing from a residential university. The Muslim University was started with the idea of turning out good Moslem boys. Religious instruction was therefore made compulsory. Similar was the case with the Hindu University. With what particular purpose were they having a residential university in Behar, except for general sound education? He objected to the question of having a residential university on the ground of cost also. They could not forget that their resources were limited and their requirements many. As to the estimated cost of 50 lakhs he emphasised that these were always under-estimates. Let them remember the annual recurring expenditure. If they were once committed to the idea there would be no end to the demands made upon them for one thing or another.

Mr JIMUT BAHAN SEN in a long and elaborate speech insisted that the Minister should not proceed with the Phulwari scheme in face of public opposition. He recounted the history of public opposition and strongly criticised the residential system. He said that the system had been opposed by the leading Educationists of India and he suggested that compared to Sir Ashutosh and Sir P. C. Roy, Mr Sultan Ahmad must occupy second place. He quoted with very great effect and amid loud applause a passage from Encyclopaedia, from an article by an Oxford tutor, that English Residential University produced money-loving students. It was particularly bad for poor students who wanted to live in style and were thus ruined by debt. He said that even in the West the residential type was a discarded thing. There were only 4 so called Residential Universities in the world viz Howard, Yale, Oxford and Cambridge.

On the 20th, Babu Anant Prasad, Pandit Godavaris Misra, Babu Rajandhari Singh and Babu Krishnaballav Sahay opposed the Phulwari scheme, while Messrs Sultan Ahmad and Sree Narayan Sahay defended it, the latter suggesting the establishment of a residential university at a cost of 46 lakhs of rupees if 50 lakhs was too much.

On the 21st AUGUST the University debate was concluded. The Kumar Saheb of Surajpura opposed the resolution. Mr. Yunus supported the establishment of a Residential University at Patna site. Rai Bahadur Dwarkanath put in a strong plea for a teaching university and said that as public opinion was against the Phulwari site, the Minister should call a conference to consider the alternatives. Mr. Collins, speaking with the approval of the Minister, said that he was opposed to Phulwari idea, because of the difficulties of poor students. He urged early decision about the new buildings. Babu Jyotish Chandra Bhattacharya opposed the resolution. Babu Jaleshwar Prasad moved for adjournment of the entire discussion till the winter session. He said that the Phulwari site should be dropped as the sense of the House and public outside was against it, and fresh proposal, acceptable to all parties, should be brought forward at the next session. The hon'ble the Minister of Education said that he noted that a large majority in the Council was against the Phulwari scheme. So far as he was concerned, he would not push it forward against the wish of the House. He would have liked a definite decision in regard to the teaching character of the university. He did not agree to the idea of calling a large conference as that would prolong matters. Answering questions, the Minister said that he gave an undertaking that he would not press forward the Phulwari site scheme. He was unable to drop and withdraw the resolution as that would mean dropping the amendments. The President in reply to the Kumar Saheb of Surajpura explained that new amendments could be admitted for discussion at the winter session. The matter was thus postponed.

#### Supplementary Grants

On AUGUST 21ST the business before the Council consisted wholly of discussion of supplementary demands. Mr. Sinha laid on the table a copy of the certificates recorded by H. E. the Governor in regard to the reductions made last cold weather in the budget. Mr. Sinha also laid on the table the report of the Public Accounts Committee. Sir Hugh McPherson moved that the Council do assent to the demand of Rs. 3,390 to meet charges for Kanungo establishment. The demand was carried by 48 to 37 votes. Mr. Dain moved for a supplementary grant under the head Forests which was agreed to. Rai Bahadur Bishun Swarup moved a supplementary demand of 67,700 for Turkaul Nandasagar embankments in Shahabad. The Rai Bahadur had also two other demands against his name, one for Rs. 30,000 for embankment work for raising the Bankipur Dmapur road embankment, and the other for Rs. 3,500 for silt clearance of Karabar channel in the direction of Palamau. All of these were agreed to. The Hon'ble Sir Hugh McPherson asked the Council's assent to a supplementary grant of Rs. 10,100 for the salary of the Secretary to Council which was given. The demand for Rs. 4,67,819 for Medical Colleges and schools and Rs. 54,642 for Hospitals and contingencies was agreed to. Another demand for financial assistance to the Dharampur sanatorium was agreed to. Several other demands moved by Mr. Inglis, under the head Public Health, were also agreed to, and also several demands moved by Mr. Collins under the head Agriculture. The Hon'ble Mr. Sinha urged the Council's assent to a supplementary grant of Rs. 30,000 for construction of civil court buildings at Jamshedpur. Babu Jaleshwar Prasad opposed the demand. There was a division which resulted in the motion being lost by 47 to 37 votes. Mr. Hammond then proceeded to propose the several demands standing in his name for police building at Jamshedpur, the total amount involved being just over a lakh. Four demands were moved and after division each was agreed to. Other demands stood over for the 29th.

#### Amendments of Tenancy Law

On the 26TH AUGUST, after interpellations, Mr. SHIVA SHANKER JHA moved that the Bengal Tenancy Act be amended at an early date so as to suit the peculiar conditions of Behar proper. He referred to the changed conditions in Behar and said there was a general desire on the part of the tenants as well as the landlords that the Act be amended. The Raja of Amawan pointed out the fiasco which resulted in March last in respect of the Tenancy Amendment Bill and urged for a conference between the landlords and tenants to settle their differences amongst themselves. Mr. Shivashanker Jha then withdrew his motion in the light of the assurance given on behalf of the landlords.

#### Jail Code Revision

Mr. KRISHNABALLABH SAHAY moved that immediate steps be taken to revise the jail code of Behar and Orissa in the light of the recommendations made by the Jail Committee of 1919-20 and of the difficulties that appeared in dealing with Political prisoners.



The Hon'ble Mr Sinha gave the House an assurance that steps would be taken in the matter as soon as possible Govt accepted the motion which was carried

#### Primary Education

Mr. RAJANDHARI SINGH moved that 60 lakhs be spent on Primary education He emphasised the need of primary education and drew attention to the unsatisfactory conditions of buildings for primary schools and schools located in houses of private individuals Babu Anant Prasad moved an amendment that Rs. 15 lacs over and above that spent be provided annually for expansion of free primary education The Hon. the Minister of Education said that the resolution was very vague and Govt was not prepared to undertake a recurring grant of 60 lacs The discussion was continued on the next day

On the 27TH AUGUST the discussion on Primary education being resumed Sir Hugh McPHERSON said he had every sympathy for expansion of Primary education Nevertheless he would feel compelled to vote against the resolution as well as the amendment The resolutions and amendment violated a fundamental rule of their constitution It was that the Government and the Finance department could not agree to any large sum being earmarked for a particular purpose except at the time of the framing of the budget as a result of agreement between the two halves of the Government. It would be unwise for the House to pass the resolution

The Hon'ble Mr SINHA said the resolution as it stood put forward a financially unsound proposition and it was not possible to support it While Government had every sympathy with the demand it was not possible to accept the proposition as it stood.

Babu Rajandhari Singh thereupon withdrew the resolution

#### Lee Commission's Recommendations

Mr. S N SAHAY moved "This Council recommends to the Government that no provision be made in the provincial budget towards carrying out any of the recommendations of the Lee Commission without giving the Council an opportunity of discussing those recommendations"

Mr Sahay said it was their duty to give expression to their views on the important issues involved in the Lee Recommendations He was certain that the recommendations would have the immediate effect of increasing the liability of the country by over a crore and of the B & O Province by about ten lakhs This Council must, therefore, be given an opportunity to express itself on the matter He wanted to make it perfectly clear that he was not actuated by any spirit of hostility towards the Services There had already been a change in the angle of vision of the Services and he had no reason to think that things would be worse in the future Europeans in industrial concerns were well treated and the Services need not be under an apprehension that they would not be properly treated under the future Indian Government of India Yet India was a poor country and the Lee recommendations were calculated to raise the burden of the country to an extent that would be unbearable by the country. It was incumbent upon the members to analyse the recommendations carefully before they were asked to accept the liability involved therein He referred to the recommendations about Indianization, Overseas Pay etc, and emphasised how they were unacceptable to the country. While one might understand the principle behind the system of Overseas Pay, it was difficult to appreciate some of the other recommendations such as those relating to rates of remittance etc

The speaker then referred to the recommendations relating to the Medical Services and said it was bound to cause dissatisfaction among Indian officers He felt that difference in emoluments between Indian and European officers would be very much accentuated This would naturally cause grave discontent among Indians and the result would be to frustrate the very object of the recommendations The result would be dislocation and discontent.

Sir Hugh McPHERSON said that the report of the Lee Commission had been a public property for several months past and the Government of India had announced that no action would be taken till the Central Legislature had considered the matter The Finance department had estimated that 5 lakhs would be all the cost the province would have to bear as additional burden imposed by the Lee Commission The Local Government could, in the circumstances, but undertake to forward the

resolution to the Government of India. He appealed to the members not to import bitterness in the debate. The Civil Servants had built up an India more prosperous, more united and more nationalistic. Considering the propaganda in the press and on the platform, was it any wonder that Civil Servants were anxious to get away on proportionate pensions?

Mr SAHAY in reply said that the main object of bringing in this resolution was to impress on the Government that the Provincial Government had much to do with the report.

On a division the resolution was carried by 36 to 24 votes. The two Ministers and the Raja of Kanika remained neutral. Most of the nominated members, like Whitley, Mr Morrison, Rev Tarafdar, Mr Madan and Mr P. L. Singh voted for the resolution.

#### Appointment in Medical College

Mr J. B. SEN moved — "This Council recommends that a Committee of six non-officials be appointed, of whom four shall be members of this Council, to advise the Ministry in the Local Self-Government on the personnel of the staff and organization of the Medical College which is to be established at Patna." This resolution was however withdrawn on an assurance given by Babu Ganesh Dutt Singh.

#### Permanent Settlement in Orissa

On AUGUST 28th Mr Chaudhury B. Samantara Mahapatra's resolution on Orissa Settlement was taken up. The resolution ran —

"This Council recommends to the Government that the revenue that may be assessed on the temporarily settled estates of Orissa in the present settlement operations be made permanent."

In moving this resolution on the previous day, Mr Mahapatra said that one year after the British possession of Orissa in 1803, the Government made the revenue of a large part of the Province, known as Garjats and Killajats permanent and promised by repeated legislations, to make the revenue of the rest permanent after a few years when 80 p c of cultivated area was brought under cultivation and a complete record of rights prepared. Government failed to redeem the promise on the excuse of an expectation of large increase of revenue through irrigation of the Province by canal water. But in 50 years they have failed to irrigate even three lakhs of acres, out of the expected 23 lakhs and the scheme had been authoritatively declared to be a failure. The conditions having been long fulfilled the fulfilment of the promise by the Government had long been overdue. The repeated enhancement of revenue on the repeated enhancement of rent coupled with the consequent expenses, troubles and litigations have ruined the tenants and the land-lords and if further settlements were not stopped, the tenantry and the land lords would be extinguished from Orissa.

The discussion was further resumed on the 28TH AUGUST when Mr Mahapatra invited the sympathy of Behar towards their poor and wretched brothers of Orissa. He asked the Beharees not to be misled by the catching words of the Government.

The resolution was opposed by Govt. but when put to vote was carried by 39 to 34.

#### Diverting Course of the Shakari

Babu RAMESWAR PRASAD SINGH then moved

"This Council recommends to the Government to take steps to divert a portion of the water of river Shakari to its old course so that the devastation caused by the change of the river in the districts of Gaya, Monghyr and Patna be averted and irrigation facilities be provided to the riparian owners of the old course and that the cost of the scheme be recovered under the Minor Irrigation Act."

The resolution was opposed by Govt. but pressed to a division it was carried by 35 to 31.

#### Construction of New Dispensaries

Kumar RAJIVA RANJAN PRASAD SINHA moved —

"This Council recommends to the Government that a non-recurring grant of five lakhs be given to the district boards for the construction of new dispensaries."

The Resolution was put to vote and carried

#### Medical School at Bhagalpur.

Babu RAMESWAR PRASAD SINGH moved —

"This Council recommends to the Government to open a medical school at Bhagalpur"

Rai Bahadur Sarat Chandra Roy moved an amendment that Ranchi be substituted for Bhagalpur. He said the province had three distinct units, Behar proper, Orissa, and Chota Nagpur. People of Chota Nagpur looked forward to their own university and other things for themselves. Behar proper had all it wanted, and it was time Chota Nagpur had its share.

On Mr Ganesh Dutt saying that the scheme for School at Bhagalpur was ready, the mover withdrew the resolution.

#### Adjournment Motion

On AUGUST 29TH, the last day of the Ranchi session, Moulvi MOBARAK ALI at the outset begged leave to move adjournment of the House to discuss a definite matter of urgent public importance, viz, enrolment of special constables in the Gopalganj Subdivision of the district of Saran. In the answer given by the Government to a question put by him they had admitted that seven people had been enrolled as special constables. The speaker wanted to assert that the enrolment was unjust.

Mr Hammond, in answer to a question of the President, said that the enrolment took place on 1st May. The President thereupon said that he withheld his consent to the adjournment of the House on the ground that the matter raised was not one of urgent public importance.

#### Chota Nagpur Encumbered Estates

Sir Hugh McPHERSON moved for leave to introduce the Chota Nagpur Encumbered Estates Bill. He also moved the bill be taken into consideration.

The Bill was passed.

#### Local Fund Audit Bill

The Hon'ble Mr SINHA said —I rise to move that the Bihar and Orissa Local Fund Audit Bill be referred to a Select Committee consisting of a number of Hon'ble Members of this House. I shall submit the names later at the end of my speech. Hon'ble Members will remember that on the 8th of March last I had the honour of introducing in this Council the Behar and Orissa Local Fund Audit Bill, and I asked also for leave at the same time (which the Council granted) that the said Bill be circulated for eliciting opinion thereon.

After a good deal of discussion the motion to refer the Bill to a Select Committee was carried by 32 to 14 votes.

The report of the Public Accounts Committee was then adopted, and Mr Krishnaballabh Sahay introduced the Chota Nagpur Tenure Holder's Bill which was also sanctioned to be published to elicit public opinion.

The Council was then prorogued

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# The Punjab Legislative Council

AUGUST SESSION 1924

The Punjab Legislative Council met again after the March Session at Lahore on the 4TH AUGUST 1924, the Hon. Mr H A Casson presiding -

Moul. Zafar Ali's Release.

After interpellations, Rana FEROUZ-UD-DIN moved the first non-official resolution recommending to the Government "that Maulvi Zafar Ali Khan be released forthwith unconditionally" In doing so he narrated the happenings which were agitating the Muslim mind in August 1920 when M Zafar Ali made the speeches at Hazro which were made the subjects of the charges against him He then described why the Mahomedans had to resort to non co operation The speaker quoted Sir Theodore Morrison to show that the grievance about the Khilafat and the Holy Places was not confined to the Mahomedans alone, but was shared by several liberal-minded Englishmen, and said that the Indian National Congress had also adopted it as its own. What was then the offence of Maulvi Zafar Ali? Had not laos of other Indians said the same thing? In this province at that time it had become almost a custom to award 5 years for an offence of sedition

A heated debate then followed, Government declining to accept the motion, while non-officials with the exception of Sir Gopal Das almost unanimously supporting it The resolution was put to the vote and 55 voted for and 20 against it

Tahsil at Narowal

Lala BODH RAJ moved that the Tahsil be shifted back from Narowal to Zafarwal at the end of the current financial year He said that Zafarwal had been the head-quarter of administration since the time of Akbar The mere fact that Narowal had a high school was no reason to deprive Zafarwal of its position Under the new arrangement social intercourse between the people of the two tracts into which the area had been divided had stopped.

Next day, 5TH AUGUST, the discussion on the Narowal Tahsil resolution was resumed After some discussion, as the result of an assurance about the appointment of a committee on the matter, the resolution was eventually withdrawn by leave of the House

The Council then proceeded to consider Pandit Nanak Chand's resolution regarding Military and Civil Assistant Surgeons which ran as follows -

"This Council recommends to the Government of India that—

(1) in future no Civil Surgeoncies or other appointments in the Civil Medical Service of the Punjab be reserved for Military Assistant Surgeons,

(2) further importation of Military Assistant Surgeons into the Civil Medical Department of this province be discontinued,

(3) all Military Assistant Surgeons serving at present in the Civil Medical Department of this Province be reverted to the Military Department and their places be filled by Civil Assistant Surgeons,

(4) till such time that this reversion can be secured, Military Assistant Surgeons in the Civil employ of this Province (except those possessed of qualifications registerable in the United Kingdom) be entrusted only with duties in which Civil Assistant Surgeons may not have to serve under them.

The object of the mover and his supporters was to remove the anomaly of the European and Eurasian Military medical officers of lesser qualification being given higher posts than the more qualified Indian Civil Medical officers Government of course strenuously opposed the motion and after an hour and a half discussion the resolution was put to vote and lost.

Additional Grants

On AUGUST 7TH the additional demands in respect of expenditure incurred during 1923-24 were put before the House. The Hon. Sir John Maynard explained

that certain unforeseen excess expenditure had been incurred during 1923-24 and the excess grants asked for were meant to regularise that excess expenditure

Five items of additional demands were then moved one by one and passed. Before the sixth item was moved Prof Ruchi Ram wished to impress on the Government members the desirability of making a short explanatory statement of each demand. He referred to a long letter which he had addressed to the Hon the Finance Member about 4 months ago in which he had pointed out some irregularities in procedure and had made some suggestions, one of which was that which he made on this occasion. Thereafter, some explanatory remarks were made by some of the movers in respect of the several items. The remaining 3 items of demands for additional grants were then moved and passed without division. Thus in all additional grants aggregating to a little over 5 lacs were made.

#### Supplementary Demands

Five items of demands for supplementary grants for the current financial year were then moved one by one and passed.

Demand No. 6 was made in respect of "the protection of over 3 lakhs of acres of unclassified forests in the Kangra district" and the mover asked that "a supplementary sum not exceeding Rs. 13,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1925 in respect of Land Revenue." Non official members strongly opposing the demand, it was rejected by 43 to 25 votes.

Twelve more demands were then granted without a division.

The Council reassembled at 7.30 a.m. on the 8TH AUGUST for making elections to the various Standing Committees for the current financial year. After question time some interesting information was elicited.

#### Lala Lajpat Rai's Arrest

In answer to a question by Dr. Nihal Chand, asking Government to lay on the table any correspondence that passed between the D.C. Lahore, the Local Government and the Government of India regarding the arrest and its legality, release and re-arrest of Lala Lajpat Rai, and also the papers regarding any legal opinion that might have been taken on the matter. Sir John MAYNARD said—The only correspondence that passed between Government and the Deputy Commissioner, Lahore, contained a request for the submission of the complete records of the case, Crown vs. L. Lajpat Rai. That correspondence between the Local Government and the Govt. of India was of a confidential nature and cannot, therefore, be laid on the table.

Ch. DULI CHAND put a supplementary question asking why had Lala Lajpat Rai been released and whether it was a fact that there was an agitation among the Zemindars of Rohtak, Karnal and Gujraon against his release on account of his anti-Zemindar views. The President disallowed this question as being an entirely new one.

#### Birdwood Committee

Dr. Dhan Raj BHASIN asked—(a) Will the Government be pleased to state the reasons for discontinuing the negotiations between the Akalis and the Birdwood Committee?

(b) Does Government contemplate any other action with a view to restore contentment amongst the Sikhs of this province?

Sir John MAYNARD referred to a previous reply and said: I desire to take this opportunity of repeating the assurance given by the Honourable Minister for Education in this Council on the 24th March last. Government has on several occasions intimated to Sikhs interested in the matter that it is open to any Sikh member of the Council to propose the introduction of a private Bill to supersede or amend the present Act, and that if the Bill is drafted on reasonable lines and is likely to obtain a substantial amount of support from the Hindu Members of this Council, Government would give it a favourable consideration. The attitude of Government in regard to this matter is unchanged.

Interpellations over, ballot papers were distributed for the election of members of the Select Committee to report on the proposed amendment to Standing Order 73.

After the ballot papers were collected the President announced that he had received H.E. the Governor's instructions on some members' request for more time for non official business. His Excellency regretted he could not give more time but said he would give more time at the next session.

The President then declared that the Council stood adjourned sine die.

## The November Session 1924

The FOURTH SESSION of the 2nd Punjab Legislative Council commenced on Monday, the 10th NOVEMBER, at 12 noon His Excellency the new Governor, Sir Malcolm Hailey, opened the session with a long speech in the course of which he made some remarkable statements "An unkind convention," he frankly said, "forbids me to-day the pleasure of debating on the floor of the House many problems awaiting discussion" He expressed unconcealed delight at the rise of the rural party "The extension of the electoral system," he said, "has brought into the orbit of politics classes whose interests were previously unvoiced, and the free discussion here of their needs and requirements has given a new aspect to the whole of the public life in the Punjab There is an insistent demand among them for better education and for vocational training, great activity in availing themselves of character building institutions such as co operation, a new and more intelligent interest in all that concerns their economic welfare" On this plea His Excellency then preached a sermon about the comparative unimportance of controversies regarding dyarchy and the necessity for an immediate constitutional advance "I feel" he said, "that we in the Punjab can for the moment afford, if not perhaps to disregard, yet at all events to partake without undue agitation in the current controversy whether dyarchy is a delusion and the creation of Ministers a mockery

After interpellations when about 50 questions were put and answered, of which nearly half were in the name of Sardar Tara Singh and related to the Sikh situation in the province, the Council passed on to Legislative business

## Election of President

The Hon'ble Sir John MAYNARD moved to amend the Standing Orders so as to provide for the procedure to be followed in the election of the President as follows —

After Standing Order 4 of the Punjab Legislative Council Standing Orders, the following Standing Order shall be inserted, namely —

4 A 1 The following shall be the procedure in electing a new President of the Council

2 Every member who wishes to propose a member for election must—

(a) ascertain previously that the member is willing to serve if elected, and  
(b) hand to the President, or if there is no President, to the Secretary a notice containing the name of the member he desires to propose signed by himself and some other member as seconder

3 The President, or if there is no President, the Secretary, shall read out to the Council the names of the candidates together with those of their proposers, and if only one person has been proposed for election, the President or Secretary, as the case may be, shall submit the name of that person to the Governor for his approval If more than one person has been proposed, the members shall then proceed to vote on the question by ballot, and the names of the person who receives the majority of votes shall be submitted to the Governor for his approval

4 On the approval of the Governor being given, the President or Secretary, as the case may be, shall declare the person approved to have been duly elected

5 (a) The ballot shall be held in such manner as the President, if there is one, may direct

(b) If there is no President, then it shall be held in such manner as the Governor may direct, and should there be an equality of votes, the names of the persons obtaining such equal number of votes shall be submitted to the Governor, and any person from among them approved by the Governor shall be deemed to have been duly elected.

6 If the Governor withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore laid down, provided that except in the case of an equality of votes dealt within clause (5), a member whose election has not been approved by the Governor shall not be proposed as a candidate at any subsequent election during the continuance of that Council

*Explanation*—For the purpose of this Standing Order the word "President," except where it first occurs, shall include a Deputy President or a Chairman presiding in accordance with the provisions of sub-section (2) of Section 72 C of the Government of India Act and Rule 4 of the Punjab Legislative Council Rules

The leave for moving the amendment being granted, the House agreed to refer the draft of the new standing order to a Select Committee, to be elected on Friday, the 14th November.

## Punjab Stamp (Amendment) Bill

The Hon'ble Sir John MAYNARD next moved that the Punjab Stamp (Amendment) Bill as reported by the Select Committee be taken into consideration. He explained the history of the Bill and said it was designed to evenly distribute the burden of new taxation over all interests. The enhanced water rates, he said, were to be reduced by 25 lakhs on the supposition that the Council would pass the Bills for urban taxation, though the latter would only yield from 7 to 8 lakhs of rupees. The proposed enhancement of stamp duty would not bring in more than 4 to 5 lakhs. The motion was put to vote and carried.

After a few amendments the Bill was put to the House and passed.

## Tax on Motor Vehicles

The Punjab Motor Vehicles Taxation Bill was then taken into consideration which, the Finance Member explained, would yield an annual income of 2 to 3 lakhs of rupees. The clauses of the Bill were under consideration, when the Council adjourned.

On the 12TH NOVEMBER the Motor Vehicles Bill was passed into law.

## President's Salary Bill

Sir John MAYNARD next introduced the Elected President's Salary Bill, and moved that it be taken into consideration.

Rana FIROZ UD DIN moved an amendment to reduce the proposed salary of the President from Rs 36 thousand to 24 thousand a year. He referred to the heavy deficit in the budget and to the new taxes which the Council had sanctioned as well as to the enhancement of the water rates. He appealed to the Council not to ignore the financial position of the Province. The Services in India, he pointed out, were the most heavily paid Services in the world. He regretted that the emoluments of the Imperial Services were not subject to their vote, but the matter under discussion was entirely within their purview and the Council could not vote an exorbitant salary to their President. (apt Dhan Raj, Ch Afzal Huq, Lala Bodh Raj, Ch Dulh Chand and a few others supported, while Raja Narindranath, Prof Ruchi Ram, Ch Fazl Ali opposed the motion. The motion was pressed to a division and declared lost by 21 votes to 43, and the Bill was passed in its original form.

## The Opium Bill

The next 28 items on the agenda related to demands for Supplementary grants, the consideration of which was postponed to Friday, the 14th November, on the motion of Sir John Maynard, in order to give more time to non-official members to study them.

Raja NARINDRANATH, thereupon, moved that the Council be adjourned on the ground that they were all taken by surprise by the motion of Sir John Maynard and had not come prepared to discuss the items on the agenda that stood after the demands for grants, as there was no likelihood of their being reached on that day. Lala Mohan Lal and Prof Ruchi Ram Sahani supported the motion for adjournment, but the President refused to adjourn the Council at that stage. The Punjab Postal Bill and the Opium (Punjab Amendment) Bill were accordingly introduced and referred to Select Committees without any discussion whatever, only Prof Ruchi Ram making a vehement speech against the Government's opium policy.

On NOVEMBER 13TH the Council devoted the greater part of its time to the consideration of official business. After interpellations, the motions regarding amendment of the Standing Orders were made and agreed to.

On the motion of Raja Narindranath, the Government agreed to give 8 days to the non-official members for examination of the budget after the general discussion on it had been concluded, instead of only six days as heretofore.

## Residential Club for Members

Lala MOHAN LAL next moved the following resolution—"That this Council recommends to the Governor-in-Council that a residential club be provided in Lahore for the use of the Punjab Legislative Council."

He explained that his object in bringing forward the resolution was to make provision for affording the non-official members greater opportunities not only for social intercourse with each other but also of greeting each other and discussing the various questions that came up before the House.

Sir John MAYNARD wanted it to be made clear whether the members wanted a residential or a non-residential club. The latter would require an expenditure of Rs. 200 or 300 per mensem by way of house-rent for the officer whose quarters would be taken over for the purpose, about ten thousand for structural alterations in the building and furniture, and from 2 to 3 thousand as annual recurring expenditure.

After a good deal of discussion Malik Firoz Khan suggested that the resolution be accepted and the President requested to appoint a committee to go into the details of the scheme. This suggestion was agreed to and the resolution was adopted.

#### Excise Act Amendment

R. S. Chaudhri CHHOTU RAM, Minister for Agriculture, next introduced the Punjab Excise (Amendment) Bill, and moved that it be referred to a Select Committee. This led to a long discussion, which centered round clause (3) of the Bill which was as follows —

After section 61 of the Punjab Excise Act the following new section shall be inserted, namely — "61-A. When any of the articles mentioned in clause (c) of subsection (1) of section 61 or any unlawfully manufactured liquor is found in any building or structure which is in the joint possession of several persons, it shall be presumed, unless the contrary is proved, that all such persons who had at the time the article was found attained the age of eighteen years were in joint and several possession of such article or such unlawfully manufactured liquor."

In the statement of objects and reasons appended to the Bill, the necessity for this clause was stated in the following words —

"The opportunity is also taken of introducing a provision which will render more certain the law as to the possession of articles intended for the illegal manufacture of spirit, and also for illegally manufactured spirit. Under the law, as now interpreted, it has been found that the accused person by proving joint possession of premises in which the incriminating article was found has frequently been able to evade punishment. The effect of the proposed amendment will be to throw upon a joint possessor of the premises the burden of proving that the incriminating article or illegally manufactured spirit is not in his possession."

The debate that followed was mainly directed on the proposal to give further powers to the executive as against the liberties of the people which was highly resented by the non-officials. The Minister himself replying to the debate admitted that the wording of clause (3) of the Bill was open to objection and said he quite appreciated the objections of the members against its enactment. He, therefore, assured the House that the Select Committee would remove the objectionable features of the Bill.

He gave an undertaking that the clause objected to would be deleted in the Select Committee. The House agreed to refer the Bill to the Select Committee as proposed.

The motion to pass the Stage Carriages Bill was next adopted without discussion.

On the 14TH NOVEMBER the motion of R. S. Chaudhri Chhotu Ram to pass the Stage Carriages (Punjab Amendment) Bill was taken up. The Bill did not evoke any discussion and was passed with Moulvi Mazhar Ali Azahar's amendment, which was to the effect that the maximum license fee to be paid during a year must not exceed Rs 10.

#### Excessive Police Expenditure.

Supplementary grants were then taken up. Sir John MAYNARD moved that an additional sum not exceeding Rs 5,79,759 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1923 in respect of Police.

The Finance Member explained that the excess was due to over-spending Rs 1,20,000 under Travelling Allowance, Rs 2,00,000 on the purchase of arms and ammunition for the pursuit of raiders, and Rs 1,97,000 on Punitive Police. An interesting disclosure made by Government while making this demand was that the excess under Special Police was partly due "to the neglect in giving effect to the cut made by the Legislative Council of Rs. 9,900 from the whole grant." The reason why the demand was put before the Council so late, explained Sir John



Maynard, was that the Public Accounts Committee had not completed its examination of the excessive expenditure earlier.

The grant was voted without any dissenting voice.

#### Travelling Allowance.

Sardar Bahadur Sardar SUNDER SINGH MAJITHIA moved that a supplementary sum not exceeding Rs. 14,250 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1925 in respect of Land Revenue. This demand related to travelling allowance and gave rise to a lengthy discussion during which it became known that whereas members of Provincial Services drawing less than Rs 1,000 p m as salary were given 2nd class travelling, all members, even new recruits of the Imperial Services were given by the Government 1st class travelling. There was strong opposition to the demand which was put to the Council and rejected by 34 votes to 29.

#### Additional Excise Staff

R. S. Chaudhri CHHOTU RAM next moved that an additional sum of Rs 15,360 and a supplementary sum of Rs 66,000 in all not exceeding Rs 81,360 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1925 in respect of Excise. There was a motion of reduction of this demand by Rs 12,872 over which the Government members talked long to prevent it being put to the vote that day as Government then was in a minority, and the House rose while the discussion was proceeding.

#### On the late Mr Montagu

The Council met next on the 17TH NOVEMBER when Raja Narindranath moved the following resolution which was passed all standing:

"This House has heard with extreme regret the sad news of the sudden death of the Rt. Hon Edwin Samuel Montagu, late Secretary of State for India, the originator and propounder of the present scheme of Reforms, whose name will ever be remembered by future generations of India with feelings of profound gratitude and esteem. The House expresses its sincere sympathy and condolence on his death and recommends to the Government to convey to Mrs Montagu and the family the sympathy of the House on the sad and irreparable loss sustained by the family of the deceased, this country and the Empire."

Raja Narindranath next moved that the business of the House be adjourned for the day as a mark of respect to the deceased which was done.

#### The Punjab Money Lenders' Registration Bill

On the 18TH NOVEMBER, the Council, after a heated debate, agreed that the Punjab Money Lenders' Registration Bill be circulated for the purpose of eliciting opinion thereon.

Mir Maqbool MAHMUD moved that leave be granted to introduce the Punjab Money Lenders' Registration Bill. The object of the Bill, he said, was to protect the borrowers from the trickery of money lenders, whom the statute would compel to keep accounts in the form prescribed by law and furnish a copy thereof to the debtor at the latter's request. The Hindu and Sikh members who were the money lenders of the Punjab opposed, while the majority of the Moslem group supported it.

The motion was put to the Council, and carried by 46 votes to 20. The three members of the Government present did not vote, while all the official members voted for the motion.

Mir Maqbool Mahmud next introduced the Bill and moved that it be circulated for the purpose of eliciting opinion thereon.

As before the Hindu and Sikh members strenuously opposed while the Moslem members with the official block supported it. The motion was then carried by 42 votes to 17.

#### The Excise Demand.

The House then resumed discussion on Chaudhri Afzal Haq's motion to reduce the supplementary Excise Grant by Rs 12,872 (additional staff), which was under consideration when the Council adjourned on the 14th November.

Sir Gopal Das considered the demand to be most reasonable, and opposed the motion which was then rejected by a majority

Chaudhri AFZAL HAQ next moved for the reduction of the grant of Rs. 66,000 in respect of the item of Rs 66,000 (rewards) The Minister for Agriculture agreeing to reduce the amount by 16 thousands, the motion was withdrawn by the mover. Chaudhri Afzal Haq then moved that the total grant be reduced by Rs. 1, and criticised the excise policy of Government as not calculated to put a stop to illicit distillation or to reduce the consumption of illicit liquor

The President ruled that it was not permissible to discuss a question of policy during discussion on a supplementary grant

The motion was rejected without further discussion The grant was then voted by the House

On the 20TH NOVEMBER the Council reassembled to transact non official business.

#### Corruption in Jails

Sardar PRATAP SINGH moved the following resolution

"This Council recommends to the Government that the right, conferred by notification No 21320 of the 18th September 1924 on the non official members of the Standing Committee of the Legislative Council for Jails, of visiting four specified jails, be extended to all jails or at least to all jails in which Political, Akali or Khulafat prisoners are lodged"

Sardar Partap Singh said he could not understand why the non official members of the Standing Jails Committee of the Council were prevented from visiting all the jails in the province To confine their visits to only 4 jails was bound to create suspicion The speaker went on to refer to the illegal practices in the jails and the various devices resorted to by jail officials to extort money from prisoners

He referred to allegations of ill treatment of prisoners which had reached his ears The food given was not properly cooked, warm clothing was distributed long after the commencement of the winter season, beards of prisoners were forcibly shaved, prisoners were spat at on the face, the Sikh prisoners were pulled by the hair, they were made to catch their ears with their hands which they were made to pass under their legs, their bodies were rubbed with rough bricks until the skin began to bleed, they were given a ducking in dirty water, they were pounced upon and mercilessly beaten by convict wardens and the favoured prisoners, and similar other heart rending stories of mal-treatment of prisoners by corrupt and unscrupulous jail officials were prevalent

Lala BODH RAJ, supporting the motion, said he had occasion to talk to scores of political prisoners on their release from the Multan Jail Those prisoners had related to the speaker horrible accounts of the atrocities committed inside the jail The Superintendent of the Multan Central Jail had refused to admit R B Seth Prabhu Dayal into the jail, who was a non official visitor and did his work in an independent spirit. In 1923 numerous tyrannical devices were resorted to by jail officials to force Akali prisoners to secure their release by tendering apologies, and he stated that several such persons had told the speaker after their release that they had to be medically treated on account of the beating and ducking to which they had been subjected Sir John Maynard then gave the usual Govt view of the matter

The resolution was put to the Council and carried

#### Water Rates

Sardar GURBAKSH SINGH moved —

"This Council recommends to the Governor in Council to withdraw Notifications Nos X, I-R 1 to X 8 R 1 published in the "Punjab Gazette, Extraordinary," of October 3, 1924, prescribing with effect from the kharif of 1924, new schedule of occupiers' rates for the chief canals in the Punjab and direct, instead, the collection of *abiana* at the rates prevailing before April 1924"

He said the Government had committed a constitutional blunder in not consulting or informing the House before the water-rates increased The taxation of the rural population had reached the highest pitch. Kh. Bahadur Ch Fazl Ali, Ch Noor Din and others supported the motion while Mr. Maya Das opposed it Discussion was not concluded when the House rose for the day.

On the 21ST NOVEMBER the Council continued the discussion

Lala SHAM LAL moved that the words "more especially for the districts of Hissar, Karnal and Rohtak" be inserted.

He regretted that the cry of Hindu *versus* Moslem interests and rural *versus* urban interests was always kept in the foreground in all discussions, which was a veritable source of weakness to the people and strength to the Government. The recent enhancement in water rates had been the result of the attitude of the rural and Muslim members at the time of the passing of the budget. He would oppose the motion, if government undertook to restore the water-rates to their original rates as well as to repeal the Stamp (Punjab Amendment) Act and Motor Vehicles Taxation Act after the deficit in the budget had been made good. If the Government did not give that undertaking he would move his amendment to exclude the three districts from the operation of the enhanced rates because very little water was given to those districts, and the agricultural conditions there were not favourable. Mr Mahmud supported the amendment.

On Sir John Maynard pointing out that the acceptance of the amendment as it stood would make the resolution meaningless, the amendment was amended so as to substitute the words "at least" for "more especially."

The amendment was then put to the House and lost by 14 votes to 31.

Sayed MOHAMMAD HUSSAIN next moved the following amendment —

At the end of the resolution the following be inserted —

"and if this is not possible in view of the financial condition of the province and a desire for an equitable distribution of the burden of new taxation over the urban and rural population, to nevertheless make some substantial reduction in the rates of *abiana* imposed by the Notification of the 3rd October 1924 and to endeavour to secure from the Government of India reduction in our provincial contribution such as would admit of a reconsideration of the *abiana* rates and connected urban taxation."

This amendment was lost by 21 votes to 37. Discussion then continued on the original resolution. Chaudhri Afzal Haq, supporting the motion, strongly criticised the attitude of certain rural members in uniformly and blindly supporting the Government on all occasions, and maintained that the enhancement of water-rates was a direct result of that attitude. It had been repeatedly asserted by members in the House that the zamindars were poorer even than a prisoner in jail, but when the time for spending the revenues came those very members were all for voting the Government's demands in a right royal fashion. The resolution under discussion seemed to him to be mere propaganda for the next election. There was no possibility of the deficit being wiped out under these circumstances.

On the 24TH NOVEMBER the Council resumed discussion of Sardar Gurbaksh Singh's resolution. Sir JOHN MAYNARD replied to the debate on behalf of Government. He said the Government had given the most earnest consideration to the subject of the water-rates and had examined the possibility of reducing the water-rates with the most anxious care. A proof of that was that between April and October they were able to make a reduction of one third in the enhanced rates. That was a large sacrifice of potential revenue. Proceeding, the speaker dealt with what he described as the constitutional argument. For the previous 2 years or more, he said, constant references had been made in the Council by the speaker and other non-official members as well by certain official members to the probable and impending rise in the water rates. In order to bring the matter prominently before the House, a motion was brought forward by Government for the appointment of a Committee to consider ways and means for increasing the revenue of the province, and it was well known that the water-rates were likely to be raised. It was perfectly well-known to the members of the House that the *abiana* was going to be raised, and it was open to them to move a resolution on the subject. The speaker himself had clearly stated in his budget speech in March last that if the provincial contribution was remitted and the 5 money bills were passed, the necessity of increasing the *abiana* which had been under consideration for the previous two years, might be averted. As the provincial contribution had not been reduced, the Government had no option but to increase the water rates. Proceeding, the Finance Member referred to the efforts of the Government to get the provincial contribution reduced by a substantial amount and said that when the reduction had been made, Government intended to reconsider the whole question of rural and urban taxation including

the *abiana* It was not in respect of the deficit in one particular year, but in consequence of the normal recurring deficit, that the decision to increase the *abiana* had been reached What was more reasonable for a Government to do, which had to pay more to its Service and for the purchase of materials and for the labour it employed, than to charge more for what it sold, especially water which was a great asset of the province It had been suggested that the Government was acting in a mean and avaricious manner, and certain members had likened Government to a usurious money-lender He did not resent that, because that charge only indicated that Government had been a careful and efficient trustee of the resources of the province Concluding, the speaker pointed out that they could not sacrifice the interests of the province as a whole for the sake of 36 per cent of its population.

The resolution was then put to the Council and carried without a division

#### Subordinate Educational Service

Prof RUCHI RAM SAHNI next moved the following resolution —

"This Council recommends to the Government that time-scale of pay be introduced in the Subordinate Educational Service"

He said that the S E S comprised some 1200 teachers It was divided into two sections consisting of equal members The A V section contained a majority of graduates who had passed a Professional test He specially described in some detail the substantial improvements in the pay and prospects of the I E S and the P E S In the S E S some improvement had certainly been made in the initial salaries of the grades, but in other respects their condition had been materially worsened Before 1920, the maximum of the highest grade was Rs 400 There were 11 posts in the 250 to 400 grade. These were lopped off and transferred to P E S. 8 more posts were also taken away from the top grade At present there were only 30 posts in the 250 grade in place of 45, while the 250—400 grade was altogether abolished As compared with these 30 posts in the top grade, the number of posts in the lower grades was very large Owing to the Provincialisation of new schools, the lot of older men was becoming daily worse and worse The number of men in each grade was increasing Young men in higher salaries but not possessing higher qualifications were being put on their heads as the result of Provincialisation A number of young men had been imported straight from outside The path of promotion, already hard and difficult, was being more and more blocked The justice of the claim of the S E S for substantial improvement was greatly strengthened by the fact that even in the Education Department, the clerical service, manned mostly by undergraduates and without any additional professional qualification such as those demanded of S E S men, had a higher maximum pay The professional men formed a close service and after retirement their scope of employment in private service was more limited than that of clerks

Mr E TYDEMAN congratulated the mover of the resolution on the lucidity and clearness with which he had put his case He said the question was a complicated one, and, because there were men of diverse qualifications in the S E S, not one time scale but several time scales would have to be framed He agreed to the suggestion that the question be referred to the Standing Education Committee

R S Chaudhri Chhotu Ram agreeing to the suggestion, the resolution was by leave withdrawn

#### Compulsory Primary Education

Shaikh MUHAMMAD SADIQ next moved the following resolution —

"The Council recommends to the Government to take all necessary steps to make primary education free and compulsory throughout the Province within the next five years"

The very basis of civilisation, said the mover of the resolution, was education, and unless the element of compulsion was introduced, would not be made universal They could open 5 thousand new schools with 40 lakhs of rupees The speaker was prepared to agree to the new taxation to secure that object, but that was not necessary, as there were sources of revenue which could be tapped In the first place they should get back their salt mines from the Central Government Secondly, it was unjust that the Punjab should be made to grant Crown lands to the soldiers who had fought not for the Punjab but for the whole of the Empire In the third place, instead of giving away large areas of land to the soldiers as bribe, those

lands could be sold. The speaker, concluding, made an earnest plea for making primary education compulsory without the least possible delay.

Mr E TYDEMAN, Director of Public Instruction, described the progress of compulsory primary education in the province of recent years. An Act was passed in 1919, which contained a provision for compulsory primary education. In 1921, 2 municipalities applied for the introduction of compulsion. In 1923, compulsion was introduced in 124 rural areas and in 10 municipalities. Since April last compulsion had been introduced in 17 municipalities and more than 100 rural areas. The Punjab was thus far ahead of any other province in the matter of primary education. In the previous 3 years alone, the attendance in primary schools had risen by 50 per cent, and compulsory education was in force in more than 300 areas.

R S Chaudhri CHHOTU RAM agreed to the suggestion to refer the question to the Education Standing Committee with two reservations: firstly that Government did not thereby commit itself to the principle of the resolution, and secondly, that a representative of the Finance Department be co-opted to assist in examining the financial aspect of the matter.

The Council met for the last time on Tuesday, the 25TH NOVEMBER, at 11 a.m. to dispose of the Government's demands for additional and supplementary grants.

The demand for a supplementary sum of Rs 24,100 in respect of Forests (Travelling allowance) was carried by 34 votes to 18.

#### Akalis' Leaders' Case

The Hon'ble Sir John MAYNARD then moved that a supplementary sum not exceeding Rs 1,06,454 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st March 1925 in respect of the Administration of Justice.

Sardar PRATAP SINGH moved that the grant be reduced by Rs 74,254 in respect of the item of Rs 94,254—Payment of Counsel's fees in the Akalis' Leaders' Case and for fees of Counsel generally. The motion was put to the House and lost by 22 votes to 32.

Maulvi MAZHAR ALI AZHAR next moved that the grant be reduced by Rs 73,000 in respect of the item of Rs 94,254—Payment of Counsel's fees in the Akalis' Leaders' case and for fees of Counsel generally.

The motion was put to the House and declared lost. The original demand was next put to the Council and carried.

#### Jails

Sir John MAYNARD next moved that a supplementary sum not exceeding Rs 11,360 be granted to the Governor in Council to defray the charge that will come in course of payment for the year ending the 31st of March 1925 in respect of Jails and Convict Settlements.

The grant was agreed to without discussion.

#### The Babbar Akalis

Sir John MAYNARD then moved that a supplementary sum not exceeding Rs 2,40,391 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st March 1925 in respect of police.

Chaudhri AFZAL HAQ moved that the grant be reduced by Rs 94,671 in respect of the item of Rs 94,671—Continuance of additional police for Doab and Shahpur District. He said the conditions in the Jullundur and Hoshiarpur Districts had vastly improved, so much so that even the Governor had in his recent utterances congratulated those districts on the restoration of law and order. Additional police was therefore not required.

The motion was however lost.

The other demands were all passed without discussion, with the exception of an item of Rs 25,000 for the establishment of a Government Publicity Bureau. This item gave rise to a heated discussion, which lasted for nearly 3 hours, but the demand was ultimately carried. Thus the Council went back on its previous decision on this matter on a similar motion, and now agreed to the re-establishment of the Bureau.

The Council was then adjourned sine die.

# The U. P. Legislative Council

## SEPTEMBER SESSION—1924

The AUTUMN SESSION of the United Provinces Legislative Council commenced on the 5TH SEPTEMBER in the Council Chamber, Lucknow, with the Hon. Mr. Michael Keane, the President, in the chair

The business of the day was exclusively official and consisted mainly of the introduction of a few Government Bills. The President at the outset referred in very touching terms to the demise of Lieutenant Shaikh Shahid Hussain. The President then announced that His Excellency the Viceroy and Governor-General had given his assent to the United Provinces Stamp Second Amendment Act II of 1924, the United Provinces District Boards Amendment Act III of 1924 and the Agra Estates Amendment Act IV of 1924. The President also announced a slight change in the constitution of the standing advisory committee of the Legislative Council to advise the Government in Municipal and Local Self Government departments. Lieutenant Raja Hukum Tej Pratap Singh, Mr Jackson, Babu Vikramajit Singh and Nawab Muhammad Yusuf, it was announced, formed the panel of Chairman of the Council for the year.

### Aman Sabha Activities.

At question time the HOME MEMBER, in reply to Babu Sita Ram who wished to know about the constitution, aims and objects of Aman Sabhas, reform leagues and other cognate organisations during the last four years in the various districts, said that they were formed at a time of dangerous unrest in order to rally public opinion to the side of law and order and stable Government and to counteract disruptive tendencies. The leagues were self-supporting and their affairs managed by executive committees. The danger passed and they had developed social and economic activities of value and provided a common line for useful public work. In their initial stages these were only political in the sense that politics could not be divorced from law and order in times of unrest, now their activities were no longer prominent. Government servants were permitted to take part in the meetings and working of these Sabhas. The circumstances of the time justified a departure from the strict letter of the rule of practice, of not allowing Government servants to take part in any political work. No collections were made through the police. The rules of the Sabha permitted payment of contributions at tahsils. Some contributions were paid by court of wards tenants to ziladars to whom receipt books were issued.

### Allahabad Improvement Trust

In answer to a series of questions put by Rai Bahadur Vikramajit Singh about the activities of the Allahabad Improvement Trust, the MINISTER OF EDUCATION stated that it was a fact that despite protests the Trust proposed to extend a road styled Zero Road through mohallas Chak, Shah Chand, Mahajani tola, Mirganj and Pandariba mohalla. The people had no notice of the inspection of the locality by the Minister who, however, met a number of prominent residents of the locality. The scheme was considered to be necessary and useful for the residents of the locality and the general public of Allahabad. The cost was estimated at Rs 791,061 and income at Rs 820,000. A Nagar-Rakshini Sabha had been started by persons to be affected by the Trust's schemes to protest against the expenditure of the Trust. A retrenchment committee of the Trust was appointed but no formal report had been submitted as to the abolition of a paid chairman. Three members of the committee recommended the step while the fourth, the Chairman himself, had dissented.

### Removal of the P. W. D. Secretariat

Pandit Brijnandan Prasad MISRA asked Will the Government state if it proposes to remove the Public Works Department Secretariat from Allahabad to Lucknow? If so, why is this step being taken and what is the estimated cost of this removal?

The MINISTER of Agriculture and Industries, in regard to buildings and roads branch, said in reply Yes, in the interests of efficiency and economy, the actual move can be effected within the limits of this year's contingent grants and it is expected that not less than Rs 23,000 will be saved annually by the change.

The FINANCE MEMBER replied thus about the irrigation branch —An office is under construction for the Chief Engineer, Sarda Canal at Lucknow and as this is a more central place than Allahabad not only for the Sarda Canal but also for other canal systems, therefore, it is proposed to move the irrigation branch secretariat to Lucknow and thus relieve congestion at Allahabad where some offices have been housed in hired buildings for want of space in the secretariat. In regard to the estimated cost of this removal no answer could be given until full details had been worked out.

A string of supplementary questions were then put on the subject. Nawab Muhammad YUSUF asked: Will the Hon. Member give an opportunity to discuss the desirability or otherwise of the removal of the P W D Secretariat from Allahabad to Lucknow?

The Finance Member —I am quite willing that there should be a discussion tomorrow after the Government business is concluded.

The President —In that case I will accept a motion to be made today.

The President, before the Council adjourned, announced accordingly that Nawab Muhammad Yusuf's resolutions recommending to the Government that the P W D Secretariat, both buildings and irrigation branches, should not be transferred from Allahabad to Lucknow, would be taken up for discussion next day.

#### Tundla Rape Case

Another important interpellation was in connection with the Tundla Rape Case and whipping of Anglo Indian culprits by a member of their own community put by Pandit Brijnandan Prasad Misra. He wanted to know if Colonel Gidney had made any representation to His Excellency the Governor for a special concession.

The Home Member replied: A representation was received and the prisoners were whipped by an ex military European convict in Naini central jail and no expenditure was incurred.

Pandit Brijnandan Prasad Misra —Is it necessary under the rules that European and Anglo Indian prisoners must be whipped by persons of their own tribes?

Home Member —No.

Pandit Brijnandan Prasad Misra —Why was this special favour shown to this prisoner? Was it due to the class to which he belonged or to the offence which he committed?

Home Member —If it is treated as a special favour, I am sorry.

Pandit Brijnandan Prasad Misra —I read it as a special favour. Would you show the same favour if an Indian asks for it?

There was no reply to this question.

#### Motion for Adjournment Disallowed.

Pandit Brijnandan Prasad Misra —Mr President, Sir, I have asked your permission to move a motion for the adjournment of the Council in order to discuss the action of the Government in allowing an Anglo-Indian boy to be whipped by an Anglo Indian.

The President, however, disallowed the motion.

#### U. P. Board of Revenue Amendment Act.

On the motion of the FINANCE MEMBER the Council agreed to the introduction of a Bill further to amend the United Provinces Board of Revenue Amendment Act 1924. The bill was taken into consideration and passed.

#### Oudh Courts Bill

The HOME MEMBER next introduced the Oudh Courts Bill whose primary object was to do away with the Oudh Judicial Commissioner's Court and create in its stead a Chief Court. The people of Oudh had for very long desired to have a Chief Court and at last their efforts had been crowned with success. On the repeated requests of recognised provincial bodies the local Government had recommended to the Government of India and the Secretary of State for the establishment of this Chief Court.

#### Oudh Estates Amendment Bill

The FINANCE MEMBER next introduced the Oudh Estates Amendment Bill and moved that it be referred to a selected committee. The motion was accepted and the House rose for the day.

On the 6TH SEPTEMBER, after interpellations, Mr MOHAN LAL Saksena, Swarajist member, proposed an adjournment with a view to discuss the question of replacement of the diarchical system of government by unitary system of Government leading to full responsible government in the province. In support of his motion Mr Saksena urged that they were vitally interested in the matter and there was hardly any other question of equal urgency or of importance and the Council should have an opportunity to express its opinion before any decision was taken in the matter by higher authorities.

The PRESIDENT ruled the motion out of order and pointed out that, in the first place, it could not be considered as a matter of urgency to discuss at that moment the constitution of India or any province of India.

#### Supplementary Demands and Estimates

Government business chiefly included a few supplementary demands and estimates. The Council granted all the demands without reduction. There was a lengthy debate on the Excise Minister's demand for Rs 15,560 for the award of rewards to informers who gave information leading to the detection of smuggling and illicit distillation.

Pandit GOVIND BALLABH PANT moved to reduce the demand by Rs 12,000 and emphasised that the system of rewards was not good in principle. Members of the public services should be expected to do their duty without any additional bait being offered to them. The proper and reasonable method would be to add to their salaries if found necessary. Rewards on the contrary would be a sort of temptation leading them into the wrong track, and moreover the financial condition of the province was not sound.

The Hon MINISTER in reply dwelt on the increase of illicit distillation in the province which led not only to a loss of revenue but an increase in consumption. The cause of temperance also suffered by illicit distillation. Rewards were not only in the interests of Government but also in the interests of temperance. The whole amount was not to be spent on excise officials but a lot of it would go to informers.

Babu VIKRAMJIT SINGH criticised that the demand made by the Minister was wrong in principle. Most of the informers to whom rewards would be offered belonged to an infamous class and most of them had generally several previous convictions for excise offences.

The motion for reduction was lost, 36 voting for and 41 against it.

#### Gaur's Hindi Readers

Lala MATHURA PRASAD Mehrotra moved for the omission of the entire demand of Rs 6,357 for the C I D. Pandit Govind Ballabh Pant strongly supported the motion for omission but in the end it was thrown out and the demand fully granted.

Babu SANGAM LAL, before the demand was finally granted, wished to raise a discussion on the forfeiture of Prof. Ramdas Gaur's Hindi Readers when the Finance Member rose to a point of order. The Deputy President who was in the chair at the time ruled that the issue was out of order in a discussion on supplementary grants.

#### The P W D. Secretariat

Government business having concluded, the Council took up for discussion the motion of Nawab Muhammad Yusuf against the proposed removal of the P W D Secretariat office from Allahabad to Lucknow.

Nawab MUHAMMAD YUSUF then moved that "this Council recommends to the Government that the Public Works Department Secretariat, Irrigation and Buildings and Roads branches, should not be transferred from Allahabad to Lucknow."

In moving this resolution, he said, he had not been inspired by any bitterness or controversy which took place sometime ago over the question of the location of the Council Chamber at Lucknow. He especially wished to make an appeal to that section of the House which felt strongly that the Council Chamber should be really located at Lucknow for ever. He hoped the House would do justice to Allahabad and would not be carried away by any other considerations. What had happened since the question of transfer arose, a few years back, during the regime



of Sir Harcourt Butler? At that time feelings ran high over the question of Allahabad versus Lucknow, but matters were set at rest by the vote of the Council in regard to the Council Chamber and its location at Lucknow. Assurances had been given often that nothing would be done to deprive Allahabad of its importance, meaning thereby that no important offices would be removed. Allahabad at the time took a very reasonable attitude and did not carry on any agitation over the question. 'Yet, we find' proceeded the speaker, 'that since then slowly and gradually offices have been removed from Allahabad to Lucknow and very recently a year back the office of the Legal Remembrancer to Government has also been removed to Lucknow. Now we find that the P. W. D. Secretariat is going to be removed to Lucknow.'

Dr GANESH PRASAD was the first non-official to lead the opposition to the motion. Certain facts, he said, contained in the budget made it quite clear to him that the action taken by Government was good. (Hear, hear.) The speaker did not know if Nawab Muhammad Yusuf had studied these facts and figures. The Minister had already informed the House the day before that a large sum of money could be saved by taking this step. All the important canals were near Lucknow and it was but right that the offices which controlled those canals should be located in their neighbourhood.

The Chief Engineer of the Government opposed the motion on the ground that the Secretaries were obliged to remain where the Council was located. The only time that he, as a secretary, could be in Allahabad was when the Council was not sitting and when the Governor moved to Allahabad. In consequence the Chief Engineer never saw his office except for a very short period of the year. The transfer of the department to Lucknow would mean a saving of Rs 25,000 annually. The discussion was not concluded when the House rose for the day.

On the 8TH SEPTEMBER attendance was unusually large owing to the discussion on the Lee Report which was the most important debate of the day. Nawab Muhammad Yusuf's resolution that the P. W. D. Secretariat should not be removed was further discussed and before the Council rose for lunch was put to the vote and lost by the overwhelming majority 54 to 36.

#### Aman Sabhas

Regarding a string of questions on Aman Sabhas, the HOME MEMBER replied that they were constituted in 1924 under orders of the Government but had since been largely de-officialised. Orders issued by the Governor in Council were confidential. The Sabhas themselves were responsible to the public for the money belonging to such organisations and its right use. They existed in all districts but in many their activities had practically ceased.

#### Proscribed Literature and Films

The Home Member in reply to Thakur Manjit Singh said that 285 books and pamphlets, 93 newspapers and magazines, 11 films and one play had been proscribed during the last four years.

The same member desired to know how Mr. Ramdas Gour's Hindi Readers were seditious.

The Home Member answered that the Government were not prepared to make any statement as it was possible that this question might form the subject of an application to the Allahabad High Court under section 99 B of the Criminal Procedure Code.

In regard to this subject Babu SANGAMLAL gave notice of two alternative motions for the adjournment of the House which were as follows —

(1) This Council disapproves the policy pursued by the Government in proscribing the text books under section 95 A of the Criminal Procedure Code and recommends to the Government to exercise the power conferred on it under the aforesaid section in such a manner as to make no encroachment on the legitimate liberty of writers and readers of text books.

(2) This Council recommends to the Government to withdraw its notification dated 15 July, 1924, proscribing Prof. Ramdas Gour's Hindi Readers.

Babu Sangamlal urged it was a matter of grave urgent importance in as much as these Readers were in danger of being snatched away from young boys and girls reading in national, private and board schools. Moreover it was his object to discuss the Government's policy in proscribing the books.

The President ruled out both motions, on the ground that it was still possible that the matter might come up in a Court of Appeal

Dr SHAFAAT AHMAD Khan offered the following personal explanation to the Council with the President's permission—I rise on a point of personal explanation. During my absence an hon member in this Council made a statement than I had stated before the Reforms Enquiry Committee that corruption was practised in this Council. I regard it as grossly misleading, because when I read an account of my evidence in the *Pioneer* and the *Leader* I promptly wrote to the editors of both and contradicted it and my legal advisers advised me to bring proceedings against the Associated Press. So I hope that no member of this Council will regard me guilty of making reflections upon this august and honourable body.

President—The question was raised the other day. In face of the denial now made by the hon member this House will probably be disposed to drop the question. I will, therefore, take the sense of the House whether the question should be dropped.

The Council agreed to do so.

#### On the Lee Report

Rai Bahadur Lala SITARAM moved—That this Council recommends to the Government to be pleased to represent to the Government of India and the Secretary of State (1) that the assumption on which the recommendations of the Lee Commission are based with regard to the present constitutional reforms is both wrong and reactionary, (2) that the recommendations of the Lee Commission regarding increases in the emoluments of the All India Services would, if carried out in their entirety, entail an unnecessarily heavy burden on the provincial exchequer, (3) that this fresh burden if, and when imposed, will impede further the development of the province, (4) that whatever increase is granted to All-India Services owing to increase in the cost of living is likely to be demanded by other Services, (5) that the pace of Indianization of the All India Services laid down by the Lee Commission is disappointing, and (6) that pending further constitutional developments the recruitment to the All India Services be suspended forthwith, this stoppage of further recruitment being the condition precedent of an increase in the emoluments of the present members.

In moving this resolution, Lala Sitaram wished to know if the local Government had consulted the Ministers in regard to the recommendations of the Lee Commission. His resolution in whatever form it might be adopted might after all prove infructuous and unfruitful. After dealing with the nature of various recommendations regarding the pace of Indianization in several services and the increases of emoluments to the present and future recruits and concessions in regard to passage, pension, exchange, overseas allowance, etc, the speaker pointed out that the Commission had completely shut their eyes to what was happening in the country. The Commission plainly stated that there was an apprehension in the minds of the Services that some future political developments in India might affect their careers. It was also said that the cost of living had gone up, passage fares had also increased. If the Government had appointed the Public Services Commission four or five years ago there would have been no such apprehension at all. There was actually no loss of prospects for the All India Service men in these provinces even after the inauguration of the reforms. The speaker next quoted at length from Mr Ramsay MacDonald's book on Indian administration to show the injustice done to Indian exchequer in the matter of exchange. India had the costliest administration and as she was poor with all her resources exhausted, she could not afford to pay anything more. This costly administration was the inevitable concomitant of a foreign Government and of political subjection. The speaker went on to show how the cost of general administration in these provinces was highest though the scale of expenditure per head was the lowest. If the Superior Services were to be given increased emoluments, Deputy Collectors and Munsiffs and other Provincial Services would at least demand a hill allowance (laughter) for a few months in the year.

Dealing with the question of Indianization he said that nobody could deal with self-restraint in regard to this matter. After explaining how several promises and pledges had been broken, the speaker emphasized that further recruitment in England should be stopped. If Indianization was to be real, the question of the Services should be decided only along with the question of constitutional advance. The

Services should not look upon India as a land of regrets or as a land of exploitation, but they should remember what their true mission in India was (Applause)

Pandit GOVIND BALLABH Pant moved to omit the words 'in their entirety' from clause 2 and the words beginning with 'this stoppage of' etc. in clause 6. He emphasised that they should cut the coat according to cloth and could not grant increases with a generous heart regardless of their limited resources. They only claimed to be in their country what the British were in England when they had the goal of responsible Government before them. It was an anachronism to maintain services from a foreign agency.

Dr. GANESH PRASAD in strongly supporting the resolution emphasised that the highly paid recruits to Indian Educational Services had absolutely made no contribution to the stock of knowledge for the past 15 years. No further recruits to this department should be brought and as regards the Indian Civil Service there should be accelerated Indianisation. Competent specialists might be paid special rates of pay but not every man.

The FINANCE MEMBER pointed out that this was an issue to be settled by the Government of India and the Secretary of State and no local Government could speak on their behalf. So it was not possible for him to make any statement of the policy or express any opinion regarding the subject matter of the discussion. He, however, undertook to forward a copy of the proceedings to the Government of India.

Lala SITARAM in a lengthy speech supported the amendment and said that when there was no money it would be quite anomalous to undertake to give increased emoluments to the Services.

Rai Bahadur VIKRAMAJIT SINGH stated that Indians of all shades of political opinion had expressed dissatisfaction with the Lee report. The question was not one of 10 lakhs alone but one of 60 lakhs because when the Superior Services would get increased emoluments they could not in fairness and justice deny the claims of Provincial and Subordinate Services.

Dr. Shafaat AHMAD KHAN said that the Commission took it for granted that the prolongation of the Imperial Services in India would be a permanent feature of her constitution. He strongly disagreed with this view and criticised the Commission's tardy proposals in regard to Indianisation. Further, the Civil Services should completely alter their outlook in the administration and begin to feel that they were servants and not masters of the people of this country. If they would agree to the Commission's proposal they would be perpetuating the old spirit and traditions of the Civil Services.

Mr. UPADHYA next spoke in support of the resolution and the mover then briefly replied. Amendments were first put and carried. The resolution as amended was then carried and the House rose for the day.

#### Non-official Resolutions

On the 9TH SEPTEMBER the House met for non-official business. Government encountered for the first time in this session a very narrow defeat over a non-official resolution, moved by a Swarajist member of the Council, that 20 lakhs per year should be set apart from the famine insurance fund for the encouragement of hand-spinning and weaving. The Finance Member pointed out that the devolution rules could not be so interpreted as to allow such expenditure from the famine insurance fund, whereupon Pandit Govind Ballabh Pant moved an amendment to delete the words '20 lakhs' and substitute instead the words 'a substantial sum', thus removing the difficulty and making it obligatory on the part of the Government to allot something for the promotion of hand-spinning and cottage industries. This amount was to be spent by a committee to be appointed. The Education Secretary objected to the amendment being moved without notice as it insisted on a permanent committee. The amendment having been objected to, according to the rules, the original resolution had to be put to the House. The resolution was carried by 35 against 34 and this announcement was received with feelings of excessive jubilation and hilarious cheering which lasted for a couple of minutes.

Dr. Shafaat Ahmad Khan's resolution on the Mussalman Waqf Act was next carried.

Pandit Nanak Chand's resolution for the speedy separation of the executive and judicial functions was being moved when the Council adjourned.

At question time the information was elicited that the initial cost to the provincial exchequer when the Lee recommendations are put into force would be about Rs 10 lacs. Dr S Ahmed Khan's series of questions on Mr Chintamani's evidence before the Reforms Enquiry Committee received only evasive replies and in the end the Government member refused to furnish fuller information.

#### Revival of Cottage Industries

Non official resolutions were then taken up. The *Charka* Resolution was moved by Babu MOHANLAL SAKSENA as follows —

"This Council recommends to the Government to set apart annually a sum of 20 lakhs of rupees from the famine insurance fund and devote it towards the revival and reorganisation of hand weaving and such other cottage industries as are calculated to serve as a source of relief in time of famine, and further recommends to appoint a committee consisting of three nominated members and four elected members to frame a scheme for carrying out this proposal from the beginning of the next financial year."

In moving this resolution Mr Saksena dwelt upon the famine policy of the Government which had completely failed to eradicate the periodic and frequent visitations of famine for which a provision had to be made every year in the provincial budget. This had become a normal practice for long. Frequent enhancements of assessment largely contributed to the constant recurrence of famines by adding to the poverty and helplessness of the agricultural cultivators. The power of resistance on the part of the people of India had gradually declined day by day and year by year. The cottage industries which could provide some additional employment to the agricultural class had dwindled into insignificance and nothingness owing to negligence. The sources of national wealth should be increased so that the Government might not exclusively depend upon the agricultural revenue for the major part of its income. India's wealth was being drained to the foreign countries chiefly due to the importation of foreign cloth. In conclusion the speaker made a moving appeal that the Government should encourage cottage industries and make famine in future impossible. The economic salvation of the United Provinces could only be brought about by a revival of the hand-spinning and weaving industries.

The Hon. the FINANCE MEMBER, replying for the Government, pointed out that from the point of view of famine mitigation, the particular industries mentioned were not likely to give the best results. Hand-spinning would no doubt survive the competition of mills and there were no signs of its ceasing to exist. But at the same time he would venture to suggest that the hands of the clock of progress could not be kept back. The efficiency of machinery was greater, its products cheaper and the remuneration provided was comparatively greater. Therefore, from the point of view of mitigating the effects of famine, they would do better to concentrate on the development of industries by machinery. Hand-spinning and other cottage industries would, of course, receive encouragement at the hands of the Minister for Industries.

The motion was, however, carried inspite of Government opposition.

#### Mussalman Waqf Act

Dr Shafaat AHMAD KHAN'S resolution ran—"This Council recommends to the Government to carry into effect the resolution on the Mussalman Waqf Act of 1923 passed by this Council on February 27, 1924, without further delay."

In a long speech in support of his motion, the mover dealt with the ancient origin and development of waqfs and their administration. Government's policy of non-interference in regard to the administration of these waqfs in India led to their mismanagement. Dr Shafaat Ahmad Khan criticised the local Government's policy in not enforcing the provisions of the Act passed by the Assembly in regard to the United Provinces waqfs. The Muslim community had clearly and emphatically expressed its opinion. The committee appointed by the local Government to deal with the subject was not composed of elected members and their majority report was only fit to adorn the waste paper basket. The whole Muslim community in the United Provinces was now roused over this matter and there was perfect unanimity among them in regard to its immediate application.

The Hon. the Nawab of Chhatari made an apologetic defence in behalf of Government after which the motion was carried without a division.

## Separation of Functions

Pandit NANAK CHAND then moved —“This Council recommends to His Excellency the Governor in Council to request the Government of India on behalf of this Council to take steps to expedite the separation of executive and judicial functions in these provinces ”

As he began to explain the history of this question in the provincial Legislature the Council rose for the day

## Public Gambling Act Amendment Bill.

On the 10TH SEPTEMBER, after interpellations were over, Rai Bahadur Lala SITARAM introduced a Bill to amend the Public Gambling Act III of 1867 as amended by the United Provinces Act I of 1917 and Act 5 of 1919 and moved that it be referred to a Select Committee

Rai Bahadur Lala Sitaram in a short speech said that the Bill was simple and non-contentious and mainly intended to suppress 'satta' gambling offences

The Home Member on behalf of the Government accepted the Bill being referred to a Select Committee

## Separation of Judicial and Executive Functions

The House then resumed the consideration of Pandit Nanak Chand's resolution.

Mr Mukandilal moved an amendment that the separation of the two functions should be immediately effected and dwelt at length upon the evils accruing from the present system of the prosecutor sitting in judgment over the case he prosecutes Nawab Muhammad Yusuf gave his whole hearted support to the resolution and wished to know what steps the local Government had taken to press on the attention of the Government of India for a speedy decision on this important question Babu Sitaram urged that the superior services should be made responsible to the people of the country before they could hope for any real benefit from this reform. Pandit Govind Ballabh Pant said this matter amply proved the necessity for provincial autonomy which could only be possible by the replacement of diarchy by a unitary system of Government

The HOME MEMBER in his reply emphasised that the Government had been quite in earnest in trying to obtain the sanction of the Government of India But they had no control over the circumstances which led to delay in regard to this matter The local Government had even reminded the Government of India first in December and again in March The position of the Government of India should also be considered by the Council It was a matter of all-India importance and they had got to get the Secretary of State's sanction on the subject and most probably they were awaiting his orders The local Government were prepared to carry out the scheme as soon as they got the sanction and were as anxious as the non-official members, and so on

The resolution was carried by the Council without a division

## Jails in U P

Khan Bahadur Maulvi Muhammad FAZLUR RAHMAN Khan moved that “this Council recommends to His Excellency the Governor in Council that he may select at an early date at least one jail in these provinces to be organised as far as practicable after the English fashion for the use of the better class of prisoners ”

The Home Member in opposing this resolution pointed out that it was not easily workable The Government was worked on democratic lines and it was not possible to make a distinction between the rich and poor prisoners

Pandit Brijnandan Prasad Misra and Rai Bahadur Vikramajit Singh urged that one ideal jail could not eradicate the evils of jail administration The latter described the jail administration as a disgrace to civilisation In the end the mover withdrew his resolution with the consent of the House

## Release of Political Prisoners.

Babu PARSIDH NARAIN next moved that “this Council recommends to the Government to release all political—special division and ordinary—prisoners that are still undergoing sentences of imprisonment in the prisons of the United Provinces, having been sentenced for offences under the Criminal Law Amendment Act or under any

section of the Criminal Procedure Code or the Indian Penal Code for political offences including those convicted for offences committed at the Bageshwar fair last January "

In moving the resolution he criticised the Government for not giving effect *in toto* to the Council's previous resolution which if accepted would necessitate the release of only 50 prisoners. The resolution was strongly supported by Mr Mohanlal Saksena, Mr Srikrishna Datt Paliwal, Babu Damodardas, Pandit Brijnandan Prasad Misra and Mr Nemisaran.

Rai Bahadur Lala Sitaram moved an amendment to add at the end of the resolution these words 'but excluding those found guilty of violence or excitement to violence'. In the course of a very short speech he remarked 'I give my support to this resolution for one reason, that I am welcoming to my fo'd my old Swarajist friends in our method of mendicancy'.

The Home Member opposed the resolution and said that had he been on the other side he would not have asked for the exercise of clemency to effect the release of a few prisoners. The Government were, however, prepared to examine the cases of the Bageshwar fair prisoners. The Council should realise the difficulties of the Government. The resolution could not be accepted as a whole but individual would be considered on their merits.

The mover briefly replied and the resolution, as amended, was carried by the House, the Home Member alone being heard to say 'no'.

Lala BABULAL next moved that "this Council recommends to the Government, (1) that in future no political prisoner convicted of offences not involving moral turpitude or connected with violence to person or destruction of property or incitement to such offences be subjected to hard, harsh or humiliating treatment or labour, (2) that all such prisoners be merely treated as detainees, and (3) that the necessary changes be made in the rules for this purpose."

Hafiz Hidayat Husain strongly supported the motion. The Home Member as usual opposed the resolution mainly on the ground that the recommendations in the resolution were not as broad and liberal as the rules framed by the Government for the treatment of special division prisoners who are not, it should be noted, political prisoners.

The resolution was then put and carried without a division.

SEPTEMBER 11TH was the last day of the autumn session of the Council and was wholly devoted to the discussion of non official resolutions.

Rai Bahadur SHANKAR DAYAL moved that the Bill to amend the Oudh Laws Act 1876 be referred to a Select Committee.

The Legal Remembrancer to the Government then moved an amendment that the bill should be circulated for eliciting public opinion within two months. The object of the bill, he said, was to make the law of pre-emption in Oudh clear and explicit. The Judicial Commissioner had stated that the bill, if passed in its present form, would give rise to consideration due to the difficulty of interpreting it.

Rai Bahadurs Vikramajit Singh and Sitaram strongly supported this view in deference to the general wish expressed by the Legal Remembrancer and others. The amendment to circulate the Bill was finally accepted.

#### Selling of Girls for Immoral Purposes

Rai Bahadur THAKUR MASHAL SINGH moved — "That this Council recommends to the Government to take immediate and effective steps to put a stop to the prevailing practice of selling, buying and bringing up minor girls for immoral purposes in these provinces generally and in the district of Nainital, Almora and Garhwal particularly."

#### Charkha Spinning in Govt. Schools

Thakur MANJIT SINGH RATHOR next moved — "That this Council recommends to His Excellency the Governor acting with his Ministers to take immediate steps to introduce 'Charkha' spinning in all Government and aided Indian girls' schools in the United Provinces as a compulsory subject up to the middle standard and as an optional subject up to the matriculation standard, and to take steps to modify the curriculum of studies accordingly."

The speaker emphasised that 'Charkha' should not be mistaken as a political weapon. It was no new invention emanating from the fertile brain of Mr Gandhi.

Its introduction would effect a healthy change in the curriculum of education imparted to girls and promote a spirit of self-help, self-sacrifice, simplicity, perseverance and patriotism

Pandit Nanak Chand moved an amendment to delete the words 'as a compulsory subject up to the middle standard' from the original resolution. He said that 'Charkha' was an institution traditionally connected with Indian family life and it was sure to give manual training to girls

The Hon the MINISTER of Education replying on behalf of Government said that he had no political or spiritual antipathy for 'Charkha'. With regard to making it compulsory he would say that every little girl might not like to sit and spin like an old woman. It was now necessary to give every facility to little girls to attend schools and they should guard against anything which might act as a deterrent to their going to schools. With regard to making it an optional subject, the Minister stated that with regard to middle and high schools the curriculum was decided by the Board of Intermediate Education. If they approved of making 'Charkha' an optional subject, the Government would agree to it. If vernacular middle schools aided by District Boards, Municipalities or Government wished to introduce 'Charkha' in their curriculum, the Government would not have any objection. If bodies of educationists agreed to it the Government would be quite willing to introduce it in model girls' schools if the experiment in vernacular middle schools proved successful. With this undertaking, the hon Minister hoped the mover would be satisfied.

Thakur Manjit Singh Rathore in his reply said he would leave it to the House to decide whether the subject should be compulsory or optional.

The House divided on the amendment which was first put. The poll ended in a tie, 38 voting for the amendment and 38 against. The Deputy President who was in the Chair gave his casting vote in favour of the amendment amidst applause from non official benches and thus it was carried.

The amended resolution was next passed without any division.

This closed the autumn session of the Council.

### The December Session

The U. P. Legislative Council met again on the 15TH DECEMBER in the Council Chamber, Lucknow, with the Hon Mr Keane, President, in the Chair. A very touching reference was made at the outset to the death of Mr Edwin Samuel Montagu, late Secretary of State for India, by the Hon Nawab Muhammad Ahmad Said Khan. The Hon Rai Rajeshwar Bali, Minister of Education, seconded the resolution which was, after a few sympathetic speeches, passed unanimously.

In reply to a string of interesting questions by Babu Sangam Lal regarding a dispute between the Municipal Board and the Improvement Trust at Allahabad, the Minister of Education stated that the Government was aware of the dispute but was not prepared to interfere.

In reply to another interesting question by Mr David, the MINISTER of Education stated that Lucknow, Muzaffarnagar, Benares, Ballia, Bareilly, Jhansi, Mau, Orai, Allahabad and Cawnpore Boards had passed resolutions against observing the Empire Day and for observing Gandhi Day in schools and institutions under their control or in their charge. The Minister of Education took no steps to intervene as he would have thereby given undeserved importance to the matter.

### Non-official Resolutions

Rai JAGDISH PRASAD Sahib moved that 'this Council recommends to the Government that the 15th day of the month of Kartik being the day on which the Hindu festival of Diwali falls, and the last day of the month of Phagun being the day on which the Hindu festival of Holi falls, be declared as gazetted holidays in addition to the holidays given at present on account of these two festivals'.

The mover in the end suggested that instead of two last Saturdays in the year Diwali and Holi days might be observed as complete holidays. Govt. expressed agreement to this arrangement and promised to consider the suggestion. The resolution was carried.

Babu BINDESHWARI PRASAD moved that 'this Council recommends to the Government that the Hindus and Mahomedans convicted in the Gonda Mohurram riot that took place in the year 1923 be at once released as their release is likely to bring about a better understanding between the communities'

The Home Member advised the mover that the safest course for him would be to withdraw his resolution and rely on the Government in this matter. The resolution was however pressed to a division and carried by 37 against 32.

Chaudhri BADAN SINGH then moved 'this Council recommends to His Excellency the Governor in Council that no revision of settlement be undertaken on the termination of the record operations that are going on in many districts of the province at present'

Pandit Govind Ballabh Pant moved two amendments. The first was for the insertion of words 'or settlement' between the words 'record' and 'operations', and the second was for the addition of words 'until the principles of land revenue settlement are finally determined and modified by the Council' at the end of the resolution.

The Finance Member in reply said that proposals on the subject had been sent to the Government of India and he was precluded by the standing orders from referring to them. But it was hoped that they would be received in time to enable them to introduce a Bill during the next cold weather session. He added amidst applause that he would have no objection to the second amendment but he could not accept the first one as there were no settlement operations going on but only record operations. The resolution as amended was then put and carried.

Next day, DECEMBER 16TH, several important interpellations relating to the devastating floods in the U P were on the paper and the Finance Member laid a detailed statement on the table of the house showing the loss of life and property sustained by each district in the province and the relief afforded. He promised to have the necessary enquiries made if minor details were omitted.

The Minister of Industries replied to questions about the steps taken to encourage the *charkha*. In view of the recent intensive political campaign in favour of hand-spinning, the use of *charkha* could not be said to stand in need either of further advertisement or encouragement. It would in common with similar industrial devices stand or fall by its own inherent merits. The Government would be pleased to consider the grant of assistance to inventors possessing insufficient capital to develop new types of *charkha* likely to be of increased utility.

#### Educational Administrative Posts

The Minister of Education, answering some other questions, said that it was not decided by Sir Harcourt Butler acting with his Ministers that of the three high educational administrative posts one at least should always be occupied by an Indian. It was a fact that when the deputy director of public instruction proceeded on leave his place was filled up by an European assistant director. The Minister had approved of the arrangement by which all the three posts were now occupied by Europeans.

The House then took up non-official resolutions for discussion.

#### Enquiry into Communal Riots

Babu MOHANLAL SAKSENA moved that 'this Council recommends to the Government to appoint a representative committee of this Council with non-official majority to inquire into the causes of the recent communal riots in these provinces, to examine the conduct of Government officials in connection with them, and to suggest measures that should be adopted by the Government to prevent their recurrence in future.'

In moving the resolution Mr Saksena said that his object was not to institute an enquiry as to which of the two communities was responsible for these frequent riots. His own impression was that a third party, *viz.* Government, was interested in keeping the two communities apart and this was partly responsible for the perpetuation of these differences. Efforts were being made by public spirited gentlemen belonging to all political parties to bring about union of the two communities and his object in moving for a representative committee was only to supplement these efforts. The causes of these communal riots were more economic and political than



religious Due to want of education there was religious aloofness between Hindus and Mahomedans and the little education they had received only made them more and more selfish instead of inspiring in every community an eager desire to serve their common motherland. Even the few graduates turned out by the universities could not easily secure any employment and this gave rise to a keen competition for the services.

Proceeding the speaker suggested that the proper solution of this trouble lay in mutual study and appreciation of the greatness of each other's religion. He was for safeguarding the interests of the minority communities but they ought to consider if communal electorates could bring about rapprochement between Hindus and Mahomedans. Cow killing, playing of music before mosques, *tazia* processions, etc., were only minor pretexts for the outbreak of communal riots.

Hafiz HIDAYAT HUSAIN urged that the Government were only concerned with the maintenance of peace in the country as also its political uplift in which both Hindus and Mahomedans were most vitally interested. The Government being committed to religious neutrality should leave matters connected with cow killing and religion to the good sense of the leaders of the country. The proposed committee should endeavour to find out as to why relations between the two communities were getting worse and worse every day. It should further investigate as to how it was that there had been wider and wider cleavage between Hindus and Mahomedans since January 1923.

The FINANCE MEMBER in opposing the resolution explained that the question of causes of riots was ambiguous because they might refer to local incidents in several places. The mover referred rather to wider and more permanent causes. According to him there was only one cause and that was the policy of the Government. The Finance member did not take the charges against the Government quite seriously. Everyone knew that the real and permanent causes were not the policy of the Government but they were far wider, far deeper and far older. Everyone knew what these causes were. It was a fact that during the last two years there was growing estrangement between the two communities and if the Government asked an average Mahomedan his explanation, it would not tally with what was given by an average Hindu. Could anyone suppose that such differences could be reconciled by the proposed committee? Was there any probability of an unanimous report? There might be three reports, one by officials, one by Hindus, and one by Mahomedan members of the committee. It seemed as certain as anything that an enquiry of this kind would be of no practical assistance to the solution of the problem.

The resolution was then put to the House and was lost, 32 voting for and 41 against.

#### Administration of Justice in Kumaun

Mr MUKUNDI LAL next moved. That this Council recommends to Government that they take immediate steps to bring the administration of civil justice in Kumaun into conformity with that prevailing in the rest of the province so that the three districts of Garhwal, Almora and Nainital may be brought under the jurisdiction of the Allahabad High Court for civil suits and appeals.

The resolution was put and carried.

#### Flood Relief Measures

Thakur SADHO SINGH moved — 'That this Council recommends to the Government to adopt effective and adequate measures in close co-operation with members of this Council and other public men in every district for the relief of distress in flood-stricken areas and, among other things, (a) to remit the land revenue for the year in respect to those parts where crops have been damaged, (b) to remit the revenue for the remainder of the term of settlement in respect of land rendered uncultivable by floods, (c) to grant *takavi* loans liberally, (d) to make free grants of money for the provision of cattle and grain, housing and other requirements to agriculturists who have been rendered destitute by the floods and are not possessed of sufficient means of recuperation, and (e) to appoint a Committee of the Council to co-ordinate and regulate relief operations.

Rai Bahadur Vikramajit Singh wanted to delete clause (e) and the House agreed to the amendment as there was already a central flood relief committee at Allahabad under the Chairmanship of the Chief Justice.

He next moved to add the following "to make arrangements for all districts situated on the banks of rivers to keep at least one steam boat or motor boat to

help in saving the lives of men on such occasions" Discussion was going on when the Council rose for the day

On the 17TH DECEMBER the Council resumed discussion on the resolution of Thakur Sadho Singh After a good many speeches in support of the motion, the Finance Member detailed the progress that had been made in reconstruction Government was doing all that was needful and in most places things were being placed in the normal state He agreed with Rai Bahadur Thakur Vikramajit Singh's amendment that the committee was unnecessary They were all agreed with the main lines of policy about free grants, liberal distribution of *takan* free of interest, remission and suspension of land revenue in a liberal manner The Government were doing everything possible to relieve distress and there was every reason to suppose that recovery would be more rapid than was at first anticipated If Rai Bahadur Vikramajit Singh would not press his amendment regarding steam launches which he would none the less consider, he would have no difficulty in accepting the resolution (Cheers) As regards clauses (a) and (b) he could not accept them literally

The resolution as amended was then carried

#### Motion re Mr Darling

After interpellations Babu SANGAMLAL raised an important point of order and wanted to know what remedy the members of the Council had when they were dissatisfied with a ruling given by the President, and specially when a resolution was disallowed They were dissatisfied with the President's disallowance of the resolution regarding Mr. Darling, Collector and District Magistrate of Muzaffarnagar who had in his zeal to enrol special constables had insulted and humiliated even men like Rai Saheb Jagadish Prasad, a member of the Council, who was made to stand in the open for two hours Babu Sangamlal requested that the President should kindly permit the House to discuss this matter

The PRESIDENT explained the terms of the resolution sent by Babu Sangamlal which had been disallowed by him It referred to the conduct of Mr Darling in some orders he passed in Muzaffarnagar on the local gentry forcing upon them humiliations and recruiting them as special constables Subsequently Pandit Bijjnandan Prasad Misra tabled a resolution, which said that the Government should issue instructions condemning certain methods of recruiting special constables and suggesting more legitimate methods of such recruitment He thought that this resolution was well within the rules But the resolution dealing with orders passed by Mr Darling struck him to be a matter of purely local importance, and hence his disallowance

Rai Bahadur Lala SITARAM then explained that the resolution of which he had given notice left very much latitude to the Government but still his resolution was disallowed How far was the District Magistrate right in calling respectable people from their homes and making them stand in front of a large number of citizens of the town and a large number of the officers of the district?

The President declined to establish a convention by which the Council could express its opinion when any particular resolution had been disallowed by the President

#### Legislative Business

Pandit BRIJNANDAN PRASAD MISRA made a motion for leave to amend the standing orders for the conduct of business and procedure to be followed in the Council The Finance Member objected to all these amendments but Mr Misra secured solid support of more than 20 Swarajist members and as required by the rule on the subject, leave was given to him to have his amendments referred to a Select Committee consisting of not more than seven members

Rai Bahadur Lala SITARAM then presented the report of the Select Committee on the Bill further to amend the Public Gambling Act III of 1867 as amended by the United Provinces Act I of 1917 and the United Provinces Act V of 1916 The Bill was taken into consideration by the Council and a number of verbal amendments moved by the legal remembrancer were passed without discussion. The Bill as amended was then passed

#### Oudh Laws Act

Rai Bahadur SHANKAR DAYAL next moved that the Bill to amend the Oudh Laws Act of 1876 be referred to a Select Committee

The motion was carried by 35 against 33 in spite of Government opposition

## Suspected Cases of Insanity

Thakur RAJENDRA SINGH moved — 'That this Council recommends to the Government that suspected cases of insanity among Indians be kept under observation in hospitals instead of in jails as is the case of Europeans.'

Government accepted the resolution in a modified form to the effect that all cases of Insanity, whether Indian or European, who could pay for their expenses should be admitted in hospitals, while cases of paupers, whether Indian or European, should be treated in jails

## Communal Riots at Lucknow

On the 18TH DECEMBER, replying to a series of questions put by Hafiz Hidayat Husain regarding communal riots at Lucknow in September last, the Finance Member said that the causes were that communal feelings were strained by the events at Amethi which culminated in the disturbance there. A short time afterwards attempts were made in Lucknow to hold a large combined *Ram Dal* procession during Janam ashtami instead of a series of small family processions. These processions were carried out with some difficulty under strictly regulated conditions. Finally after this there was dispute as to the respective times for Hindu and Mahomedan evening prayers in Aminabad Park. Attempts were made to settle this amicably but failed. An order regulating the times of the *Namaz* and the *Araty* had to be passed under section 144, Criminal Procedure Code

## Mr Darlings Conduct

In reply to questions re Mr Darling's conduct the Finance Member gave the following answer. The Governor-in-Council finds that the Magistrate's action was justified by the previous events of September 30. The situation was such that the District Magistrate would have failed in his duty if he had not taken measures to preserve peace and in this object he was successful. The Governor-in-Council, however, considers that the District Magistrate would have acted more wisely had he refrained from enrolling a number of prominent gentlemen as special constables and disapproves of the manner in which he made enrolment. In these respects the Governor-in-Council does not consider that the Magistrate's action was justified and has already conveyed this opinion to him

## Grant to Benares Hindu University

Rai Bahadur Lala SITA RAM moved — 'That this Council recommends to the Government to make provision in the budget for 1925-26 of Rs 1,20,000 as grant-in-aid to the Hindu University of Benares for the following purposes (1) Rs 50,000 for arts and science studies, (2) Rs 10,000 for Sanskrit studies, (3) Rs 50,000 for engineering courses, and (4) Rs. 10,000 for Ayurvedic studies'

The Finance Member in opposing the motion emphasised that the Benares Hindu University was a central subject and not the concern of the provincial Government. The resolution was then put to the House and declared carried. The Government did not challenge division

## Oudh Rent Act

Lala SITA RAM next moved — 'That this Council recommends to His Excellency the Governor-in-Council to extend the provisions of sections 36 to 46 and 48 of the Oudh Rent Act (Act 22 of 1886) as amended by the Oudh Rent (Amendment) Act of 1921 to all areas in clauses one to six mentioned in schedule D of the aforesaid Act by issuing a notification in the local official Gazette to the said effect in terms of section 157 of the aforesaid Act and if for any valid reason they cannot be extended to any of the clauses then to the rest'

The resolution was supported by Thakur Hukum Singh and stoutly opposed by Lala Mathura Prasad Mehrotra, Thakur Mashal Singh, Raja Jagannath Paksch Singh and Mr Fashud-din. The Finance Member on behalf of the Government also opposed the resolution and it was lost by 25 against 49.

## Conferring of Honorary Judicial Powers

Babu NEMI SARAN moved — 'That this Council recommends to the Government, (a) that the system of conferring honorary judicial powers on individuals be forthwith stopped,

He then proposed certain methods of recruiting honorary magistrates, munsiffs etc Thakur Mashal Singh moved a series of amendments but both the amendments and the motion were in the end defeated and lost

On the 19TH DECEMBER, an important account of the Allahabad riots of October was furnished by the Govt Non official resolutions were then taken up of which the first asking for a committee to investigate the existing conditions of Mussalman Waqfs and endowments moved by Hafiz Hidayat Hossain was withdrawn on the request of the Govt member

Lieutenant Raja DURGA NARAYAN SINGH then moved — 'This Council recommends to the Government to communicate to the Secretary of State for India the opinion of the Council that the number of representatives of Agra landholders be raised from two to six in the Legislative Council

There was a strong volume of opinion in support of the motion which was amended by Thakur Hanuman Singh to the effect that the representation of Agra landholders should be raised from two to four without affecting the number of other constituencies Govt had no objection to the motion, and so it was carried as amended

Pandit GOVIND BALLABH PANT moved — 'That this Council recommends to the local Government to restore the rates of grazing fees that were in force in Govt forests and Govt estates until 1922-23 and to refund the enhanced fees realized last year' Pandit Brijnandan Prasad moved an amendment for the deletion of the words 'and to refund' etc The resolution with the amendment was carried despite Govt opposition.

Babu PRASIDH NARAYAN moved — 'In view of the disastrous and extensive floods in these provinces and the consequent loss of revenue and urgent need of funds for relief, this Council recommends to the local Government to request the Governor-General in Council to remit the provincial contribution for this financial year'

Lala Mathura Prasad Mehrotra moved for the addition of the following words 'And to reduce it by half at least for next years till normal times come and the effects of the floods are completely effaced' The resolution as amended was carried

Nawab MUHAMMAD YUSUF moved — This Council recommends to the Governor in Council to convey to the Govt of India the opinion of this Council that the remission of provincial contribution should be the first charge on any surplus which the Govt of India may have The resolution was unanimously carried

DECEMBER 20TH was the last day of the session and business was purely official. Supplementary demands were made as follows Rs 128,700 under Land Revenue, Rs 132,000 under Forests, Rs 711,500 for Canal Headworks, Rs. 410,020 under Public Works, and some minor demands They were all granted without much opposition except that with regard to Forests which evoked considerable discussion during which Pt Haigovind Pant moved for the entire omission of the grant which was negatived by 53 against 23 votes

Legislative business was then taken up The FINANCE MEMBER introduced a Bill to provide for the salary of the President to be elected by the Legislative Council In doing so he explained the provisions in the Govt of India Act bearing on the election of the President and said that the salary was proposed to be Rs 3,000 but it rested on the Council to decide the exact amount The bill was then referred to a Select Committee

The Hon the MINISTER of Industries and Agriculture then introduced a Bill to provide for the control of the practice of opium smoking in the United Provinces and another motion was passed that it should be referred to a Select Committee

An interesting debate was raised by Raja Jagannath Baksh Singh over an article in the *Leader* of Allahabad which adversely criticised the President of the Council for disallowing the resolution in re Mr Darling, the over-zealous Muzaffarnagar Magistrate who insulted and humiliated Rai Saheb Jagadish Prasad and others The remark of the *Leader* that was complained of was to the effect that in giving that ruling the President was not acting, "as a free agent in the matter" Whether the influence suggested was of the Govt or only the usual racial bias that White feels for White in India, the paper did not make any mention. As it was, a chorus of praise was raised testifying to the impartiality of the President, and in the end a motion of Raja Jagannath Baksh Singh disapproving the conduct of the Editor of the *Leader* 'for the unworthy criticism of the President of the Council' was carried without any opposition

The Council then adjourned to meet again in January 1925

# The Madras Legislative Council.

AUGUST SESSION 1924

The Madras Legislative Council met on the 18TH AUGUST in the Council Chamber, Madras, the Hon'ble Dewan Babadur L D Swamikannu Pillai presiding Sir Mahomed Habibullah took his seat as the Leader of the House amid cheers His Excellency the Governor in opening the Session made reference to the Irrigation and other Bills that were to be proposed

Some minor Supplementary demands were made and granted without much discussion. The Hon the LAW MEMBER then moved "That this Council do approve of the proposal to construct a reservoir on the river Cauvery at Metur in the Coimbatore District with the necessary channels and other works to improve the supply to existing irrigation under the river and to provide for new irrigation over an approximate area of 3,01,000 acres at an estimated cost of Rs. 612 lakhs" The resolution was passed without any dissentient voice

## Council Secretaries' Salary

The Hon. the Raja of PANAGAL next moved that each of the three Council Secretaries be paid a salary of Rs 500 per mensem with effect from 1st July 1924 Discussion on this motion remained unfinished on this day

## Adjournment Motion

Soon after question time Mr. A S KRISHNA RAO applied for leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, to request the Govt of Madras to forward to the Govt of India the opinion of the Council urging the grant of provincial autonomy Leave having being granted the motion was made after the day's business at 4 o'clock

The object of the adjournment motion was to discuss a definite matter of urgent public importance and it was to request the Government to forward to the Government of India the opinion of the Council urging provincial autonomy to the Province

Mr Krishna Row said that a reference had been made to various Provincial Governments in connection with the enquiry by the Reforms Enquiry Committee regarding the various questions affecting the working of the reforms It was somewhat unfortunate and regrettable that the Government had not thought it fit to consult the Council and obtain its opinion before they forwarded their opinion

In the course of a long discussion that followed Govt members said that they had not the time for consulting the Council but Government would however forward a copy of the proceedings to the Govt of India

Mr SATYAMURTHI in seconding the motion said that the Government did not treat the House with the respect due to it on a most important matter on which Government members must have their own views. The House was entitled to hear the views of Government Under what rule of public business or law could this matter be treated as confidential?

The Hon the LAW MEMBER There is no gainsaying that individual members have their own views on this matter But members of the Executive Council have been called upon in a confidential communication to express their views, and they have done so Then views have been sent to the Government of India Until the Government of India chose to treat their views as not confidential, the Government of Madras were bound to treat them as confidential

The Swarajist leader then denounced that in no other country in the world would any member of Govt in any Parliamentary Chamber take up such an attitude. That showed the farcical nature of the reforms, the true nature of which he then explained from his standpoint

Sir K VENKATA REDDY (ex Minister for Development) next addressed in support of the motion As one who had some inkling into the working of the

Reforms in its earlier stages, he said, if there was one resolution that could be accepted unanimously in that House, it was the one that was before the House.

Dyarchy, he said, cannot but be a failure. How on earth would it be possible within the same house there could be divided responsibility. "I was a Development Minister without the forest portfolio. I was Minister for Agriculture without irrigation. I was Minister for Industries without factories, without boilers and without labour. How on earth is it possible for a Minister of Industries to develop industries without the slightest control over labour or factories or electricity? Take again the Public Works Department which is a transferred subject. Irrigation and public works have got the same staff but irrigation was a reserved subject. Hence the staff was half responsible to this House and half somewhere else. Such a system of divided responsibility is bound to fail. The only remedy is that there must be complete Provincial Autonomy."

In detailing his practical experience he said—"It would not be proper for me to disclose all that I have experienced in my relations with the Finance Department. (Hear, Hear) But many have been the practical difficulties. Every item of expenditure that comes up before any of the transferred department must go to the Finance member. While therefore the reserved half will know certainly or everything in the transferred half, what transpired in the reserved half it was impossible for the transferred half to know. Whatever subject might be transferred or might not be transferred, the one department that must be transferred if responsible Government is to be a real thing and not a sorry spectacle, was the Finance Department."

Dewan Bahadur P KESAVA PILLAI, rising next, supported the motion. After a few moments Mr T A Ramalinga Chettiar moved for closure which was carried. Mr Krishna Rao's motion was next put and carried *nem con*, the Government members not voting. The non-official Europeans were conspicuous by their absence during the debate.

On the 19TH AUGUST Mr Satyamurti raised the question of the Secretaries to the Councils' power to lay on the table certain important documents, to which the President stated that papers were laid on the table only under orders. (The President and gave reasons for disallowing some questions. The discussion on the Council Secretaries' Salary was then resumed. A censure motion having been defeated the resolution was passed.)

The Stage Carriages and Hackney Carriage (amendment) Bill which made certain alterations in the rates was then passed. The Bill to amend the District Municipalities and Local Boards Acts about the taking of oath of allegiance which must be taken by members of the Boards was then introduced and referred to a Select Committee. The Bill to amend the Madras Town Planning Act allowing transfer of town planning schemes from one local authority to another was also referred to a Select Committee. The Entertainments tax Bill was then introduced. The object of the bill was to enable local authorities to tax entertainments. This also after some opposition was passed to a Select Committee.

On the 20TH AUGUST the Law Member introduced a bill for registration of nurses and midwives but a motion that the matter be postponed for 3 months for due consideration was accepted by Govt. Mr. S Venkatachalam Chetty moved for leave to introduce a bill to amend the Madras City Municipal Act 1919. The amendment he proposed referred to the granting of water taps. The motion was passed.

#### The Malabar Tenancy Bill

Dewan Bahadur M KRISHNAN NAIR introduced the Malabar Tenancy Bill and moved that it be read in Council.

There was a long and protracted debate on this matter lasting for 3 days during which a large number of members spoke. Mr Krishnan Nair made a long speech in introducing the bill and said that the main trouble in the Malabar was that a handful of rich Jemmes held all the land as their absolute property with the incidence of impartibility and non-transference. None else can hope in any way to have permanent dwelling place or land in any form. The evil is too great, and the remedy for the big population of Moplahs who had become absolutely subservient was none. He then traced the history of land tenure in Malabar and showed that the Jemmes were not the original owners of the land, that right had only accrued during the last half a century or so by the judgment of the Courts and the policy of the Government. Mr Gopal Menon supported the resolu-

tion Next day the Law Member on behalf of Government detailed the difficulties of the situation and though Government was not directly opposed to the bill they wanted somehow to have it shelved

The debate was continued on the 21ST AUGUST when Mr Prabhakaran Thampan strongly opposed the bill and refuted the arguments of the mover item by item by quoting history and old records His case for the Jenmies was that they had always been and still are the most mild, equitable and forbearing of land-lords, and that they are really building up a great middle class and not tying up the land in a few families A large number of other members supported the bill Mr Ramchandra Iyer who had 40 years experience as vakil and judge in Malabar then made a long speech opposing the bill For 75 years, he said, Courts from the lowest to the High Court had upheld the land system in the Malabar, and the judges were themselves from the tenant class and knew more of the conditions than others The debate ended on the 22nd when the motion that the bill be read in Council was carried by 54 against 6 amidst acclamation The Bill was then referred to a Select Committee

#### Adjournment Motion

On the 22ND AUGUST, after question time, Mr C R REDDI moved for an adjournment of the House to discuss a definite matter of urgent public importance The answer to a question the day before was that the allegations contained in the question were treated with incredulous contempt by the Collector of Malabar, Mr Thorne In answer to a supplementary question, Sir Arthur Knapp also said that he too treated the allegations contained in the question with incredulous contempt That raised an important question regarding the privileges of the House The President was asked by a section of the House to say that the term "contempt" could be regarded as Parliamentary and as applicable to questions tabled by the members of the House and admitted by the President

After some discussion Sir Arthur Knapp said that he did not feel any personal aspersions in his remarks He proceeded to say that nothing would be fairer from his intentions to transgress limits if the language used was considered unparliamentary and he would be more cautious in future to avoid any such unparliamentary language

The Government and European members supported Mr Thorne while the majority of the non-officials wanted to censure him The motion of adjournment was accordingly passed

Two non official resolutions were discussed on this day One sought a declaration from Government that depressed classes could use public roads etc, which was passed, and the other wanted the release of Mr Narayan Menon, the alleged instigator of the Moplah rebellion, from his life sentence, which Government refused to accept

#### Debate on the Lee Report

On the 23RD AUGUST the House met to discuss the Lee report As expected, the non-official Indians in a body supported the resolution

Mr T A RAMALINGA CHETTIAR moved "That this Council recommends to the Government that it should convey to the Government of India the opinion of the Council that the Lee Commission's recommendations regarding Public Services should not be given effect to in this Province"

Mr VEERIAN in opposing the resolution said that there should be a large European element in the Services from the point of 'Adi Dravids' If all the Services were Indianised, all the domestic servants who belonged to the depressed classes would be thrown out of employment, their position would become very serious and there would be chaos in the country Every European officer was supporting twelve families of the depressed classes.

The Hon Mr GRAHAM said that Government could not express any view on the resolution in view of its sweeping nature He himself would vote against the resolution. In spite of that, if the resolution was carried he would undertake on behalf of the Government to forward a copy of the proceedings to the Government of India

The resolution was put to the meeting and carried by a large majority

The Council then adjourned to meet again in October 1924.

## The October Session 1924

After an adjournment of nearly two months the Madras Legislative Council assembled on the 10TH OCTOBER. The most important measure of this session was the MADRAS IRRIGATION BILL. The Law Member asked leave to amend the standing orders to provide the necessary procedure for the forthcoming election of the President. He also moved an amendment to provide for motions of adjournment being discussed earlier in the day, instead of being commenced as then at 4 p.m. These were referred to select committees.

Demands for supplementary grants for 1924-25 were next made. These were an additional sum of Rs. 20,000 in connection with the Viceroy's visit to the Presidency, Rs. 5,600 for compilation of the Madras Year Book for 1925, and Rs. 8,60,000 for a grant to local bodies for additional elementary schools for the expansion of primary education. The first was referred to law officers of Govt., the second was refused, and the third was granted by the House.

The Hon. Mr. C. P. Ramaswami Iyer introduced a Bill providing for the salary of the elected President at Rs. 2,000. The Bill was passed.

The Council next proceeded to discuss the report of the Select Committee on the IRRIGATION BILL. Next day, 11TH OCTOBER, Mr. Satyamurthi at the outset moved that the Bill be recommitted to the Select Committee in order to minimise the points of difference between the dissentients, who had given notice of above 400 amendments. He stated that the Select Committee's report had not been made available to all sections of the House in sufficient time for their being able to take effective part in the debate. Eventually after a long debate the motion was rejected by a large majority. The Law Member moved that further consideration of the Bill be proceeded with and this was agreed to and 2 clauses were passed.

On the 13TH OCTOBER the Council took up the motion of Mr. Prabbakaran Thamban to exclude the Ma'alai District from the operation of the new Irrigation law, and after a long debate rejected the motion on the ground that the district as a whole could not be excluded. Having regard, however, to the special settlement conditions of South Canara and Malabar, it is possible that later on suitable amendments may be introduced in the Bill for exemption of these districts from the law of water cess.

The Council then discussed the chapter on definitions and amended the definitions. A few other provisions were also discussed and the House adjourned.

On the 14th OCTOBER, a large number of questions were answered regarding the exodus of coolies from the Assam tea gardens. Government stated that the Government of Assam had taken all possible steps to repatriate labourers to their native districts. The Madras Government had satisfied themselves that the coolies were spared needless hardships, and that they would be restored to their homes as early as possible.

Discussion on the Irrigation Bill on this day first turned to an adjournment motion by Mr. Venkataiahnam when some members wanted to have the Bill postponed. After its defeat discussion related to sections dealing with exemption of certain water sources, from the definition of "irrigation works." The question whether water collected on the lands held by registered holders should be brought within the definition was discussed at considerable length. An amendment seeking exemption was put to the vote and carried by a majority.

Another amendment for excluding all navigable rivers from the definition gave rise to much discussion. The Law Member pointed out that the exclusion would deprive the State of its rights over such rivers. The amendment was rejected.

Non official resolutions were taken up in the next two days.

On the 15TH OCTOBER a very large number of supplementary questions were asked on the Imperial Bank Case, arising from the answers given by the Government on the 13th. Mr. Satyamurthi then moved an adjournment motion in regard to the action of the prosecution in the Imperial Bank Fraud Case, more especially (1) the grounds on and circumstances under which the police (the mover had substituted "police" for "Government of Madras" which he had used in his informal notice given to the Law Member previously) decided to prosecute the accused in the case, (2) the grounds on and circumstances under which the Government entrusted the prosecution of the case to counsel for the Bank, a private party, in preference to



the law officers of the Crown, and permitted him to draw remuneration from the Bank and the Government, and (3) the conduct of the police in the preparation and presentation of the case before the court

After some discussion the Law Member suddenly informed the House that he had to communicate a message from the Governor, namely that he had decided to disallow the motion on the ground that it could not be made without detriment to the public interest. This announcement took the House by surprise and member after member rose and protested against the trick played against the motion. The Law Member, it transpired, had heard from Mr Satyamurthi in an informal talk that he (Mr Satyamurthi) was going to move the adjournment, and at once he wired to the Governor. His Excellency then wired back disallowing the motion, if and when made! After a good deal of angry talk the discussion closed as the President had to accept the Governor's order.

Mr A Chidambara Nadar then introduced his bill to amend the Tuticorin Port Trust Act 1924 in order to allow representation of the Indian Chamber of Commerce on the Port Trust Board. Mr S Venkatachalam Chetty's bill to amend the Madras City Municipal Act so as to give more water-supply for the poor and Mr K P Thampan's Tarawad Management Bill were next introduced. Resolutions were then taken up.

Mr C Gopala Menon moved that Government do provide funds for relief work in the flood-affected areas. After a long debate on this and the following day the resolution was adopted *nem con* with the addition that reclamation work be taken up and that the Government of India be approached for funds.

On the 16TH OCTOBER, the Home Member made a lengthy announcement regarding the remission of fines and release of a number of Moplah prisoners from jail. The announcement was received with great satisfaction by Moslem members and the Moplah representatives expressed their heart-felt gratitude to the Government. Mr Uppi Sahib, a Moplah member, therefore did not move his resolution urging the remission of fines imposed on Moplahs.

The emigration of coolies to Assam from the Telugu districts made the subject of further heated interpellations. Allegations were made that Govt servants were helping the Assam Tea Estates in exploiting cheap labour from the famine districts.

Government then supplied information to the House that the scheme for the improvement and development of the harbour at Tuticorin, Cochin, Mangalore, and Cocanada ports was in progress.

On the 17TH OCTOBER the Council discussed the demands for several supplementary grants. The most important of these was for a sum of Rs 6,99,800 for repairs to damage caused by the recent floods in the Arcot, Cauvery, Trichinopoly, Coimbatore and West Coast divisions. Non official members from the districts concerned asked the Irrigation Member for particulars regarding the proposals and made suggestions for the distribution of the funds. The Irrigation Member replied and the Council passed the grant. The Council also voted a supplementary grant of Rs 96,000 for repairs of damage caused by the cyclone and monsoon last year in the Vizagapatam, Ganjam and Tinnevely divisions, a grant of Rs 122,000 for the repair of the Kistna flood bank, and a grant of nearly Rs 30,000 for the Cauvery Metar project.

A demand was made for a supplementary grant of Rs 50,000 for the extension of medical relief in rural tracts. It was stated that there was a large scheme for opening about 3,000 dispensaries in the next four or five years to cater for the needs of the village population throughout the Presidency, and it was to be carried out without any serious addition to the expenditure at present incurred on medical relief. The idea was to employ trained medical men who were at present without employment as part time officials, and to offer them consolidated subsidies to induce them to settle down for medical practice as far as possible, in their native districts. It was expected that with the present grant about 220 dispensaries would be opened in the present year, each dispensary costing Rs 1,000 per annum. The Council voted the grant.

Discussion was then resumed on the Irrigation Bill and 2 more clauses were passed.

On the 18TH OCTOBER discussion on the 2nd Chapter of the Irrigation Bill was taken up and 3 more clauses were passed.

On the 20TH OCTOBER Mr Satyamurthi asked the Law Member for information as to the exact position in the matter of the proposal to increase the number of Judges of the Madras High Court. The Law Member replied that the Government had to sanction the creation of two posts of temporary Judges from the 20th October till the commencement of the vacation for the midsummer holidays in 1925.

The Council then passed several demands for minor supplementary grants. The irrigation bill was then taken up and 8 more clauses passed.

On the 21ST OCTOBER questions relating to the exodus of coolies from the Assam Tea Estates were again asked. Government said that they had under consideration the question of placing on the table all the papers relating to the exodus of these coolies. Questioned if Government had taken any action on the adjournment motion which was passed against Mr Thorne, Govt bluntly replied that they would take no action.

Questioned on the compulsory elementary education, the Minister of Education replied that a scheme of compulsory elementary education had been introduced in 15 Municipalities and that in all but one an education cess had been levied. He added that there was no extra cost to the Government on account of the introduction of compulsion. The scheme had attained different degrees of success in different Municipalities, but in no Municipality had it proved a failure. The Government had paid Rs 1,31,437 as contribution to these Municipalities under the Elementary Education Act, equivalent to the levy of the education tax.

After interpellations certain amendments to the standing orders were proposed by several of the members, and these were referred to a Select Committee of the House.

The debate on the Irrigation Bill was then resumed and three more clauses were passed.

On the 22ND OCTOBER the attendance was very thin, members leaving for their homes for the *Dipavali* festival. There were no questions and only one more clause of the Irrigation Bill was passed.

Next day, OCTOBER 23RD, the Council adjourned till the 12th November after passing a few more clauses of the Irrigation Bill. Further discussion on this bill was deferred to the November sitting.

### November Session

The Council met again on the 12TH NOVEMBER when a large number of clauses of the Irrigation bill was passed. A minor supplementary demand was granted and some amendments to the Local Boards Act of 1920 were discussed.

On the 13TH NOVEMBER great interest was evinced in a statement by the President regarding the representation made to the Press not to publish proceedings of select committees which are in their nature confidential. All the local newspapers had in reply agreed not to publish them in future except the "*MADRAS MAIL*" which refused to accept the suggestion. Further discussion then took place on the Irrigation Bill and some more clauses were passed on this and the following day.

On the 17TH NOVEMBER interesting supplementary questions were put and answered in connection with the assignment of land to the depressed classes in Cuddapah. A condolence resolution on the sudden death of the late Mr Montagu was passed and then the Irrigation Bill was further discussed.

On the 18TH NOVEMBER a number of supplementary questions relating to the right of Adi Dravidias to enter public streets in accordance with the resolution passed by the Council in a previous session evoked keen discussion. Mr Veerian's motion for an adjournment of the House in connection with the recent disturbances in Palghat was disallowed by the President. A supplementary grant of Rs 1,50,000 for repairs of trunk roads damaged by the floods was passed. The Irrigation Bill was then further discussed.

On the 19TH NOVEMBER the Council had a brief sitting. Discussion on the Irrigation Bill was concluded. The Law Member moved formally that the Bill be passed into law. The Leader of the Opposition opposed the motion and said that he and several others had a few more amendments of a formal character to move before

the Bill could be finally passed. He wanted time to discuss these. The Law Member agreed to the postponement of the third reading till the December session.

The Council next proceeded with the discussion of a few non official resolutions, one of which was moved by Mr J A Saldanha recommending the remission of land revenue in South Kanara and Malabar in the case of lands which had suffered from the recent heavy rains. The resolution after a brief discussion was carried.

Another resolution recommending the restoration of stipends which had been discontinued to certain Carnatic stipendiaries who had taken part in the Khilafat agitation was after discussion withdrawn. The Council then adjourned till December

### December Session

On the 3RD DECEMBER the Council met after the recess. A large number of questions and supplementary questions were asked and answered. A supplementary demand for about Rs 7 lakhs for the repair of damages by the recent floods was passed. Some amendment to standing orders as recommended by the select committee was then passed after discussion.

On the 4TH DECEMBER the House again proceeded with the discussion of the Irrigation Bill. The Hon. the Law Member made a statement on the point of order raised by him the day before regarding the admissibility of amendments of a substantial character. He said there was a good deal to be said on both sides of the question, and he therefore asked for permission not to press his point of order. There seemed to be a general desire that this Bill should have all its aspects considered. He did not desire to have the discussion curtailed. He reserved to himself the right to object to amendments which raised the same questions as had been debated upon and disposed of already by the House. It was then agreed to take up all the amendments of which notices had been given. These were discussed till a late hour. These being disposed of, the Law Member's motion that the Bill be passed into law was about to be put to the vote when some members said that they wanted to speak on the motion, which affecting as it did a vital measure, should not be hurried through at a late hour. Accordingly the matter was postponed till the next day when member after member warmly eulogised the Law Member, for having throughout displayed a desire to meet the wishes of all sections and interests as far as possible. The Bill was then passed into law.

On the 5TH DECEMBER, the leader of the Opposition moved a resolution to draw attention to "an urgent matter of public interest, to wit, the withdrawal by the Government of the right of the Municipal Council of Dindigul to elect its Chairman." Speeches strongly denouncing the action of the Government were made from the Opposition Benches. Several members spoke defending the Minister's action, and referred to irregularities in the election, the factions dividing the Municipal Council, the disorderly conduct of certain members of the Municipal Council and personal prejudices which were often brought into play in the proceedings of the Council. The motion was ultimately talked out.

On the 6TH DECEMBER, non official business was taken up. A resolution recommending to the Government to suspend the revenue payable on lands adversely affected by the floods for a period of 30 years from the current *Fash* was after two hours' discussion carried by a large majority. The second resolution recommended to the Government that it was necessary in the interests of landholders, as well as of labourers, that emigration to Assam should be stopped. This also was carried.

**The Council was then prorogued**

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INDIA IN  
Parliament and Abroad  
July-December 1924



## India in Parliament.

During July—December 1924 Parliament was barely two months in session for there was a long recess in August—September, and on October 9th Parliament was dissolved pending a General Election for October 29th. The Labor Cabinet which had barely been 10 months in office was at last ousted by the Tory—Liberal combine and at the head of a vast Tory majority Mr. Baldwin returned to Whitehall on November 4th, 1924. During this short period that Labor was in office it not only did nothing towards redeeming the pledges to India that it had made in season and out for the last few years, but before laying down the reins of power it had actually sanctioned the outrageous Bengal Ordinance and acquiesced in the rehabilitation of that barbarous Regulation III of 1818 which its leaders have always denounced. Such has been the sincerity of British politicians! It cannot be said that the Labor Secretary of State was ignorant of the actual state of things in India, for it was well-known that he was in close correspondence with many Indian leaders. Further, a memorial submitted by some of the Bengal State prisoners had been resting with the Labor Secretary ever since July 1924 and Lord Olivier never cared to verify the facts mentioned nor to test their accuracy. This memorial is given on p. 289.

### The Lords Debate on India

The proceedings of Parliament on Indian affairs are given in the following pages. The last great debate on India under the Labor Govt. was raised in the House of Lords on July 21, 1924 by Lord Peel and was continued on the 31st (see p. 313).

Lord Peel, the Tory ex-Secretary of State for India, in opening the debate asked forthwith for adoption of the Lee proposals *in toto*, secondly, he accused the Govt. of leaving alone Mr. Das, the head of the party of violence in India, and thirdly, that there should be no attempt to modify the Reforms Act.

Lord Olivier in reply made a halting, poor and almost apologetic speech. He first made an elaborate apologia on behalf of the British "Services" whose emoluments would of course be multiplied with full "guarantees", the Indian Assembly's opinion notwithstanding. The most ludicrous part of his performance was when he referred to Mr. C. R. Das in patronising tones. Said his Lordship "Mr. Das appeared to be one of the many Indian publicists who were convinced that no advance could be made in the attainment of self-Government except through organized force or secret methods aiming at outrage", and still he would not prosecute Mr. Das. Mr. Das's policy, the noble Lord assured with an air of pedantic superiority, "was only another example of political simplicity", and so it "was unnecessary for the British Government to assume an attitude of high moral condemnation of Mr. Das as a politician"<sup>11</sup>

Lord Curzon's speech was chiefly an attack on the Secretary of State with reference to Mr. Das and his party in Bengal. He accused Lord Olivier of supporting an appeal to organised force and urged the Government to adopt 'a policy of firmness'. He referred to the words used by the Secretary of State, Lord Olivier, which he characterised as 'very ominous,' that if the Committee then sitting in India should find that there are certain defects in the working of the Government of India under the present Act, which apparently cannot be remedied by any amendment of rules, or by any amendments of the Act short of an alteration of the constitution, then a question would arise as to whether any further steps should be taken for dealing with the question as to whether any further constitutional advance could be contemplated. Lord Curzon thought that Lord Olivier was 'hanging out a short of signal' to the advanced Nationalist party in India in saying, as he had said in his speech, that it was just possible that the result of the Committee's enquiry might impose on His Majesty's Govt. the duty of coming to such a conclusion as to whether some steps should be taken to re-examine the constitutional position.

Lord Harris expressed himself as satisfied that 'the voices that we hear coming from India' are not the true voices of India, but are 'the voices of an uneducated small minority and not the voice of the mass of the Indian people'. The whole agitation was engineered, he assured the House, by the Brahmins of the Deccan and the Mahomedans had no voice in it. He asked when the Indians had ever shown any capacity for real self-government and volunteered the information that for centuries of their history there had been only strife and disturbance and incapacity to rule themselves. He claimed to be thinking only of the interests of the ignorant masses. What we have to do, he said, is resolutely and courageously to tell the Indian people that they are incapable of self-government and incapable of self-protection either from the outside or inside. But the gem of his speech was to follow. We have introduced, he said, incautiously and too suddenly a system of Parliamentary government to which India was quite unsuited. His remedy was that the only thing to do now is to carry on with the system we have introduced, 'resolutely and courageously' without making any further concession. He then referred to an address delivered by Mr. Rangachariar, M. L. A., Deputy President of the Legislative Assembly, some months ago to the Empire Parliamentary Assembly. He described it as an interesting speech delivered in the purest English of which he could understand every word. He came away from that meeting absolutely hopeless and because the speaker had indicated that he believed Indians were capable of self-government from the military as well as from the civil point of view. Lord Harris felt that he was justified in saying that the mental capacity of those Indians who were now supposed to be voicing the opinions of India was very small. He therefore reiterated his advice to carry out courageously the reforms 'we had so incautiously' introduced.

Lord Meston stated that the objective of every one interested in India was in the first place to advance the happiness and promote the reasonable progress of the Indian people, and in the second place to retain India within the British Empire. He went on to say 'without

cynicisms' that they had very little experience of trade democracy in that country and it was a wholly exotic plant in India. England, he said, had in spite of this given the principle and promise of democracy to India because she believed it was the greatest political gift in her power to bestow. He read the Government of India Act as saying that there was to be no radical alteration in the constitution for the first ten years—a reasonable enough precaution, he thought, against tinkering with one of the most daring political experiments in modern history. He complained that the constitution had never been worked in any pretence of good-will by the vast majority of those for whom it was designed and by whose help it was intended to work. The great majority of Indian leaders, he said, had done nothing but use their influence, directly or indirectly to prevent the new constitution from working. Behind the screen of Moderate men 'who present us with impossible alternatives to our policy of 1919,' said Lord Meston, is that deep and permanent irreconcilable element which has always opposed all progress in India from the days of Gautama Buddha down to the present day, and will always do so.

Lord Sydenham referred to Mr Montagu's 'disastrous tour' through-out India against which he had pleaded in vain. He thought the Government of India Act had been hustled through Parliament. It would soon be necessary, he said, that we should decide whether we intended to govern or to leave India.

Lord Amptill followed in much the same strain. He also thought that we ought to make it clear that so long as we remain in India we intend to govern.

Lord Pentland pointed out that both the caste system and the Hindu-Moslem problem were known to us before the passing of the 1919 Act. Diarchy was an experiment never tried elsewhere before. We chose, he said, to try it upon India and the responsibility was ours. We are bound by what we have done, he continued, and we must do our best loyally to help India on her way towards self-government. He felt that we must restore confidence in India by indicating our real intention of carrying out the pledges we had given. He suggested that the electorates should be examined to see whether it was not possible to alter them to be more truly representative of the opinion of India. He urged an immediate advance on the 1919 Act and asked the House to abandon the habit of raking up objections 'which were out of date and which were misrepresented as showing reluctance on our part to carry out our pledges.

Lord Chelmsford replied for the Government. They had been urged to take legal steps against Mr C R Das, but the Government's position in this matter, he pointed out, was to trust the 'man on the spot'. The Government's policy, he concluded, was summed up in Mr Ramsay MacDonald's letter of 6th January, a fortnight before he became Prime Minister. It was particularly the first two paragraphs that he emphasised and the last part urging all the best friends of India to 'come nearer to us rather than to stand apart from us, to get at our reason and our good-will.' There were no better words, he felt, with which to express the policy of His Majesty's Government at the present time with regard to the state of affairs in India.



Soon after this debate Parliament was adjourned on August 7th. When the House met again in October the prospect of a General Election was in the air, and the Liberals and Conservatives were joining hands to drive out Labour from office owing to their pro-Russian policy. On October 8th the Labour Government was defeated by the combined Tory—Liberal party and Mr. MacDonald at once decided to appeal to the country. Parliament was dissolved on October 9th and a General Election was held on October 29th. Mr. MacDonald's successful foreign policy had given him a false sense of security, but the Labour party suffered terrible defeats at the polls. The Liberals had merged themselves into the Tories with the single purpose of getting rid of Labour and the two together raised the bogey of communism against Mr. MacDonald's party. The result was that the Tories were returned with a huge majority. Mr. MacDonald resigned on November 4th and Mr. Baldwin became again the Premier. The Tory Cabinet was constituted two days after and Lord Birkenhead was announced as the new Tory Secretary of State for India.

### The New Parliament

The new Parliament was opened by the King in state on December 9th. There was of course no reference to India in the King's Speech, nor any in the speeches of the party leaders in the debate that followed, only the Labour Member Mr. Thurtle raised a question regarding India. He asked what the Government proposed to do to satisfy the legitimate aspirations of the Indian people for self-Government and what they proposed to do with regard to the recent outrage on constitutional practice in India. He referred to the recent arrests in Bengal under the Ordinance, of a particularly odious character from the democratic standpoint, and under which an Act going back as far as 1818 was invoked. As far as his information went, many of those men who had been arrested under this Ordinance had committed no kind of crime whatsoever and there appeared to be not the least intention on the part of the Government of India to bring them to trial. Unfortunately people in India had no Habeas Corpus Act and it was possible for the Government of India to keep these people in confinement indefinitely without bringing them to trial and giving them ordinary elementary justice.

Among the amendments to the address of which notice had been given was one by the well-known Parsi communist M. P. Mr. Saklatvala, alleging that His Majesty's Ministers and representatives abroad were pursuing a policy of "armed dictation and repression against the subject peoples of the Empire" which violated the principle of self-determination for them as well as the wholesome constitutional principle of the control of the people over the administrators of their State, and declaring that this policy gravely menaced the peace of the world, and urging that "the policy of His Majesty's Ministers should be directed towards the immediate release of all political prisoners in the subject territories of the Empire, the withdrawal of armies of occupation, the cessation of interference in the internal affairs of these countries and the granting to them of full rights of self-determination including the right of separation from the Empire."

Of course all this was a cry in the wilderness !

### The New Tory Premier on India.

The advent of the Tory Government in Whitehall spells no doubt a period of repression and reaction in India. A very early indication of this was given by the Premier in the London Guildhall on November 9th when referring to India Mr. Baldwin said —

"There were unmistakable signs in many parts of India that tension between Hindus and Moslems was more acute than at any time for years past. The Extremists had accepted tactics designed to wreck the existing constitution, and in Bengal organisations were at work which had necessitated the Viceroy's issuing an Ordinance

"I desire to emphasise these words because the purpose of the Ordinance has already been wilfully misrepresented in India. It is not directed, nor by its terms can it be employed, against any persons or parties who pursue constitutional ends by constitutional means (cheers). It is directed solely against certain specified crimes all of which without exception are crimes of violence. His Majesty's Government will support, with their full authority, the Government of India in suppressing crimes of that nature by whomsoever and upon whatsoever motive they are committed (cheers).

"But it would be misleading to dwell only on the difficulties of the situation. I have no doubt that with steadfastness and insight a way can be found to preserve the welfare of the people of India and assist their peaceful progress in paths of economic and constitutional development which the people of this country desire and have already done so much to foster. I cordially invite the co-operation in this task of all Indians who believe that the destinies of Great Britain and India are indissolubly bound together (Cheers)

"One matter which will receive our earliest attention is the relief of the anxieties of financial difficulties of the Services in India, but for whose loyalty and unswerving service our task would be impossible of achievement here. Fortunately, they had the advice of the Lee commission and he hoped that Government would be in a position to make an announcement at a very early date."

This announcement did not take long to come out. On December 5th and again on December 16th it was announced in India that most of the Lee proposals had been accepted. This has been mentioned in the introduction (see p. 21).

Then again during the great anti-Labor electioneering campaign of October, the Tory die-hards raised a howl that the Labor party was going to give too much to India so that that great dependency was going to be lost to England! Mr. Baldwin himself during this campaign made a great speech at the Queen's Hall Conservative demonstration on October 15th, and referring to his imperial policy regarding India said —

"I must speak first about a part of the Empire which is causing us at present great anxiety, viz., India. The wrecking tactics of the extremists of that country had the effect of bringing to a complete standstill in Bengal and the Central Provinces the system of Government aimed at under the great Reform Scheme. There is no attempt at concealment on the part of the extremists of their intentions

to render the present system of Government unworkable. Their claim to govern the country is based not on constructive but destructive principles and, I fear, they are proving their unfitness to accept the great responsibility which has been entrusted to them. We see India is seething with religious conflict between Hindus and Mahomedans, which has exposed the futility of that political alliance which was so triumphantly proclaimed not long ago by Mr. Gandhi. Were it not for the strong and protecting arm of Britain, which was never more urgently needed than it is today, large parts of India might revert to a state of chaos and bitter strife from which we had rescued it (Cheers.) I fear that to some extent the responsibility of this state of affairs must rest with the nerveless and vacillating policy of the Secretary of State for India in the present Government (Cheers.)

"The Labour party, before it came into office, had never failed to proclaim its sympathy with the extremists of India, who in their turn were lost in amazement that the Labour party has not as yet, in familiar parlance, "delivered the goods." In the eyes of our party the welfare of India constitutes one of the greatest and most sacred trusts with which the British Government is charged (cheers)—a trust which embraces the well-being of 300 millions of the human race, together with enormous industrial and agricultural interests, upon the prosperity and stability of which the very life of those millions rests. There can be no concession to any unwarrantable agitation and there can be no toleration for the destructive methods of the extremists, if the country is to be saved from the dangers at present besetting it. A firm and definite policy will alone restore order—a policy based on the letter and the spirit of the Reforms promised and guaranteed to India. (cheers)—that is the policy we shall unhesitatingly pursue.

"We shall do all in our power to promote happier relations, to unite the diverse races and creeds in bonds of common interest, and try to bring about better and more suitable conditions than those with which we are unfortunately faced today. The problem, I know, requires courage, sympathy and resource, but I have a certain conviction of the splendid loyalty of the vast masses of the people in India (Cheers.) I remember their whole-hearted response at the time of the War (Cheers.) I remember the generosity and gallantry of their Princes, the lavish subscriptions of their businessmen, and perhaps more than all, the devotion of the rank and file of their armies—Maharattas, Dogras, Punjabis, Sikhs, Gurkhas, Pathans, to mention only a few of them. I know the problem is soluble. But if we are to do our duty to the people of India, we must see to it that we do our duty to those serving us there in times of great anxiety and difficulty, those splendid servants, the Indian Civil Servants, the Police and the Engineers (Cheers.) All of them have suffered economic hardships and I am determined that due regard shall be given to their needs (Cheers.) That is in every country an essential thing, if administrative contentment, efficiency and integrity are to be preserved (Cheers.)"

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## The Bengal State Prisoners' Memorial To the Secretary of State for India.

The following memorial was sent on the 25th July 1924 by some State Prisoners detained at the time in Bassein Jail, Burma, to the Secretary of State for India, while Labour was in office —

*Through*

*His Excellency The Viceroy and Governor-General of India*

*To*

*The Rt. Hon The Secretary of State for India in Council.*

BASSEIN JAIL, 25 JULY 1924

Your Lordship,

We, the undersigned State Prisoners at present detained in the central prison Bassein, Burma, have the honour most respectfully to lay before Your Lordship the following humble statement regarding our case with the full significance thereof, as well as some unknown facts relating thereto, for Your Lordship's favourable consideration and decision on lines indicated in the body of the statement —

We have been kept in jail without trial for the last nine months on the initiative of the Government of Bengal under the Bengal Regulation III of 1818

During these nine months of incarceration, we have not approached any party with a representation of our case as the pride of injured innocence stood in the way, and if to day we approach you let us not be misunderstood. It is not personal freedom we beg at your doors. Rather, what we beg to point out to you is that there is no personal freedom in this land, though it is ruled over by a people who from their history and tradition are supposed to hold personal liberty to be the most sacred thing. Now when there is a talk of an examination into India's case for self-rule and the system of Government is proposed to be overhauled, we feel it our duty, especially in view of the indecisive character of your party's policy towards India's aspirations, to show herein through a somewhat minute analysis of our case, what dirty tactics are being followed by your countrymen in this land by ruthlessly checking the healthy growth of a nation and systematically suppressing any hankering for liberty at this period of history and also how the high constitutional principles evolved in the history of your nation have been forsaken in the Indian administration. India entertains high hopes now that your party is in power and we feel it our duty at this moment to shake off all our pride and expose the hideous plot in the present administrative policy in the country as personally experienced by us and, we hope, this will strengthen your hands in pulling down the system, which, if allowed to continue, will put England and your party to the blackest shame before the civilized world in the very near future.

It was in September—October 1923, that we were arrested. It was a peace time and there was absolutely no special circumstance in the country to justify the application of an extraordinary legislation. Authorities also admit there were but a few petty outrages of a political nature and if measures like detention without trial have to be brought in to meet demands of such moments, then that is a very sad commentary on the character of the general administration we have got in the country.

Even up to the present moment, we have been kept completely in the dark as to why we were arrested and detained without trial. On the day of our arrest we were taken before some high police officers and asked what we had to say even without being charged with any offence. This was an extraordinary procedure and we had no other alternative than to say that we would explain all charges brought against us in any court of Law, but we were told that we were being incarcerated under Bengal Reg III of 1818 and would not be produced before any court.

Subsequently, we were shown by some police officers in private chambers some charges in the form of secret documents, no one else was allowed to be present there. These charges enlightened us no more as to why we were lodged in jail, these being absolutely false, vague, meaningless and not substantiated by facts. It will not perhaps be out of place to cite some of the charges here as examples and to examine them briefly —

(i) The first of the charges against every one of us is ("You were arrested in the year———and detained as State Prisoners and released under the Royal amnesty in the year———")

We cannot imagine how this can constitute a charge against a man. When in pursuance of, but long after the Royal Proclamation, we were released, we were distinctly told that our past political history whatever that might have been, could not be used in future to prejudice our case and in view of that the present charge, if it serves any purpose, serves only to betray with what an amount of disrespect His Majesty's name is used by the Indian administrators and how it is dragged in simply to remove all administrative dirt and filth.

(ii) "You were conspiring with (here certain names of persons known and unknown are given) to overthrow the British Government."

If forming associations for the regeneration and uplift of the ignorant and the poor amounts to criminal conspiracy, we plead guilty to the charge and if to awaken the latent consciousness of the people about their political rights is considered tantamount to an attempt to overthrow the British Government, then this Government deserves to be overthrown and then the whole of educated India is implicated in the crime involved in such an attempt.

(iii) "You started and maintained 'Ashrams' which were centres of revolutionary recruitment."

It is difficult to answer charges like this either this way or that. Ashrams are public institutions for the regeneration and reconstruction of village life. The dire poverty and ill-health of the land demand institutions like these in thousands all over the land and it is disgraceful that the Government should seek to deprive the poor and the helpless villagers of the aid of institutions like these. We enter our emphatic protest against the attempt the Government are making to discredit and throttle enterprises like these when they themselves are doing practically nothing on these lines to help the dying masses of Bengal. Further, we emphatically deny the mischievous alleged intention that these are centres of revolutionary recruitment for which such institutions from their very nature, history, position and personnel are unfit. Public institutions of these types invariably receive the attention of the Intelligence Department in this country and the institutions often invite and are sometimes named by known agents of the department. Thus from the very nature of things, it is absurd that any body with a grain of sense in him will make these institutions a ground for secret recruitment even if he wished it. Any men having the slightest acquaintance with these institutions will admit this, whatever interested parties with their agents paid or terrorised might allege.

(iv) "You were directly or indirectly connected with the collection of Fire Arms."

The language of the charges speaks for itself. This piece of black lie is aimed at compromising at least the movements with which we were connected.

(v) "You were connected with the Indian agents of Bolshevik Manabendra Nath Roy."

We are not yet certain if this Manabendra Nath Roy is not the man from the moon and we have even less knowledge about his Indian agents. We have always differed from the views appearing in the press of this so called Bolshevik. As for letters and papers supposed to be coming from this man, if there is really a man of that description and if the whole thing is not the creation of some interested party as in the case of more serious things related hereafter in course of this statement, then we can say so much that this man has not perhaps spared a single address he has come across, not even the English Premier's excepted, and no one can be responsible for coming into contact with an accidental addressee of such a correspondent, if any of us has ever unconsciously come into such foul touch. This Manabendra Nath Roy's propaganda seems to us to be a sort of a canard held up before the country, whenever it has suited occasions.

(vi) "You were privy to the murder of Police officers."

It is amazing that a case of murder or its abetment could not be dealt with in a properly constituted court of law, but the fact is that during the period intervening between the time of our release in 1920 and arrest for the second time in September—October 1923 at least we know of no case of assassination of any police officer, nor of any such attempt. When charged face to face by one of us even Mr. Bamford, the special Superintendent of Police, C I D Bengal frankly admitted, "we know you are not connected with any murder plot." Yet this monstrous falsehood was allowed to remain on that scrap of paper on the strength of which all authorities, Judicial (not sitting in open courts, of course) and Executive, justified our incarceration.

It is, perhaps, useless to multiply instances but it was beyond our comprehension or imagination what the authors of these charges could produce to the satisfaction of any human being, not to speak of Judges, or responsible heads of administration to prove charges like these.

Some of our friends from outside openly questioned the grounds of our incarceration, immediately after the first instalments of arrests, in the vernacular Weekly, the "Sharathi" in its issue of the first week of October 1923, the Government took no heed of it. We ourselves challenged the authors of these charges to prove them in court, they laughed. The Government announced they would have the charges examined by two unnamed Judges, we asked for permission to put in our appearance, that was not granted. We wanted to examine all evidence and particulars against us, had these at least been allowed we could have proved to the satisfaction of any man having no interest to support and uphold the action taken against us, that the charges were false and libelous. They told some of us that some of our correspondence had been intercepted. Without questioning the ethics of such interception of letters in the post office in peace time, we beg to assert, whatever correspondence there might have been in the possession of the police, provided they were genuine, could not but refer to our activities in connection with the Indian National Congress, the Swarajya party and some philanthropic, charitable and educational institutions with which, we admit, we were connected. Of course, we do not know whether we have been made responsible for the opinions not shared, or some times discountenanced by us, expressed in letters addressed to us that might have been in some instances received by us or in others intercepted by the police. In such cases, it is only honest and honourable that our opinions as expressed in all our letters and newspaper articles as well as orally given out, should have been produced side by side with these convenient letters from uncertain sources. Again some very responsible men in the administration declared that they have examined our papers personally, but it is unfortunate that the system here puts men at the heads of the administration who are not properly acquainted with the language of the place of which they are the responsible heads. Consequently, they have no other alternative than to rely on the interpretation of all matters written in the vernacular as given by the subordinates, that is the Secret Service men or their agents paid or on terms of mutual help. Their versions are accepted, even if they follow in their act of interpretation their Middle-European predecessors of the 19th century. A present day man cannot forbear a hearty laugh when he reads about the agents of Motternich interpreting the expression "Beyond my sphere" as "beyond my bullet" (sphere ball-bullet). Similarly it is now notorious in Bengal that the vernacular word "Kaj" (work) in the vocabulary of the Secret Service gets the superb meaning "Secret Revolutionary Work." Consequently any letter which refers to any earthly activity may ultimately lodge the writer or the addressee in a prison cell provided, of course, he has had the good fortune at any time to attract the attention of the Intelligence Department. It is, perhaps needless, while representing these matters to you, to lay any emphasis on the fact that sparing the usual processes gone through in a Court of Law is to give the *Carte blanche* to an irresponsible and not over scrupulous Secret Service to concoct evidence to their convenience and perhaps this is not the method calculated to lay the foundations of the Empire on a sound basis, especially now, when the world has witnessed the long struggle between the Tsar and his subjects coming to some sort of a conclusion.

It has been said that the evidence is such that it is not possible to produce us on the strength of that before an ordinary Law Court and the nature of the evidence does not justify its production in an open court. Apart from the issue that the principle of civilized legislation militates against such statement, one cannot accept it after the conspiracy trials at Alipore and Cawnpore. The only conclusion

that one is prone to form after these cases is that a legal process is considered to be extremely inconvenient nay, impossible and that the Reg III is a ready made tool in the hands of interested parties. Even if only intercepted letters constitute the whole of the evidence against us then also legal action could be taken in the Cawnpore Trial. But, instead of that the Government appointed two Judges, possibly two miniature McCardies whom the local authorities invariably display a keen sense power to nose out on occasions like these. They were to sit in camera and examine and sift all evidence against us. That our presence even before this safe Committee was considered undesirable is in itself a sufficient exposition of the nature of the evidence and is a frank admission as to the motive of the action.

Now having briefly examined the possible and probable nature of the evidence, we shall proceed to show the motive which impelled all the parties concerned to adopt this extra judicial measure against us.

The three parties responsible for our arrest and detention are (I) the India Government, (II) the Bengal Government and (III) the Secret Service. It was on the suggestion of any one of these parties that we were incarcerated of course, ultimately all acquiesced in the measure taken. We, having remained unconvinced as to any offence on our part justifying detention, have given very serious thought to the motive of each of the parties and it is our deliberate opinion that all the parties were actuated by very unworthy motives, unworthy at least in the 20th century and unworthy of any body professing the least faith in the history, constitution and law of the British Nation. We shall now lay before you all our facts and data to enable you to form your own opinion. We shall take the parties one by one.

#### (I) The India Government

During the years 1921-22, the nation wide organization called the Indian National Congress was marching ahead with its programme of Non co-operation. When we were released in 1920 we found a field where we could best render our services to the country. The India Government was watching keenly the march of events and saw that during the movement we worked among the common people for their regeneration and uplift. We tried to arouse the political consciousness amongst the masses and gained popularity with them. The people of the country in general, marshalled under the strict discipline and high ethical standard set up by Mahatma Gandhi, were developing into a powerful force. When the N C O movement was on the wane due to a systematic course of repression, the Government anticipated that out of its ashes was bound to arise a new and mightier movement and it would not do to stand unbending like the Himalayas in such an eventuality. Its power would be irresistible for any reactionary Government and in that case, at least, in Bengal, we should be the men who would supply the connecting link between the classes and masses, between the thought leaders and the common people and such a widely awakened nation would be a potent force worth reckoning even for the mightiest of the Imperialist peoples with all their forces of destruction. The India Government could not take such a day as a day of jubilation for Great Britain and murdered the spirit of British history and constitution in India and frustrated the professed ideal of British administration by the retrograde step they took. Dark dungeons in remote prisons were the places they assigned to the passion for freedom and this neither in the Age of Inquisition nor in the reign of Tamerlane but some years after the world was made safe for Democracy, and even after the Labour Government came into being in England the policy of detention without trial continued in India.

#### (II) The Bengal Government

During the latter part of the year 1922, Mr C R Das launched a movement for the Congress men to capture the Legislatures of the country and almost all of us now detained under the Regulation joined his party and helped the work. With the popularity we had already gained amongst the people, we hoped we should be of great help in the campaign and Mr Das too counted on us. From the very beginning, the Bengal Government and the reactionary Anglo-Indian journals were inimical to the powerful popular opposition that was going to manifest itself in the legislature against the irresponsible system of Government prevailing in the country. There is further reason to believe that our arrests were a part of the insidious campaign that was launched to make Mr C. R. Das's council-entry pro-

paganda a failure as these arrests preceded immediately the elections and succeeded immediately the Delhi special session of the Indian National Congress which after a prolonged struggle between the Pro-Council and Anti-Council parties adopted a resolution permitting Congressmen to contest seats in the legislative bodies. Immediately we were taken to custody. The victims carefully selected, only those of Mr Das's party who had some time or other been imprisoned in connection with any alleged revolutionary activity, being chosen for detention. It would be very easy to give these persons a bad name and a colouring to the action very different from its motive. By this manouvre the Bengal Government sought to stifle what may properly be called "His Majesty's Opposition in India" and withal to check the growth of party Government on the model of the English constitution. Moreover, it is too late in the day to take much pains to prove that to seek to deprive a people of its right of propaganda and organisation is anti-democratic and had we not been removed and the workers for the political regeneration of the country thus terrorised then, the country could have given quite a different verdict on the system of Government. But the local authorities wished the tutelage a long lease of life and they wanted the demand for freedom, instead of manifesting itself before the men of the civilized world through the legislatures, to find its shelter either in prison cells or in the dark corners of the country where it would be easier to hound it out and scourge it unblushingly before the advanced opinion of the contemporary world.

The last remark is only a prelude to what we are going to describe about the most diabolical methods of the Indian Secret Service which has created and supplied the materials for the other parties to work upon.

### (III) The Secret Service

As this is the most interesting part in the whole episode, we beg to draw your attention to this somewhat lengthy history. Admitting there was a political motive behind the acts of violence committed in Bengal before and after our arrest we are in a position to disclose something in connection with these cases, which, had we been given the opportunity to lay it before the public or before an open court, would have shown the real forces behind and would have staggered humanity and would make the whole British people to hang their heads in shame. It would have demonstrated to the world at large how the English are keeping another unwilling nation in subjugation and what immoral and heinous forces have been let loose for the purpose.

We must state the facts as they are. We do not deny, rather we are proud to declare that there is a wide-spread and deep-rooted demand for liberty and the thirst for liberty is very great amongst the youth of the land. They would sacrifice anything for freedom and would rise on the scaffold smiling. Again it is not their fault that they have studied more of the history of England, America, France, Italy and Russia than that of their own country and they have learned and have been led to believe from the reactionary attitude of the authorities and the policy of ruthless and persistent repression of any and every method of demand for liberty that liberty can not come without bloodshed. Ill timed and ill-conceived utterances of the most responsible in the administration, who could say Swaraj (self-rule) could come only by two means, either as a gift or by the sword, contributed no less to the formation of such conviction, especially when of the bestowal of that gift not even the slightest gesture was shown.

When we were released from Jail in 1920 we began to meet daily these young men in large numbers. As we had been shut up in Jail on the alleged ground that we had been revolutionaries, such young men swarmed round us, but we were always trying to infuse in them a newer and broader outlook and we advised them to work for the uplift and education of the poor and ignorant masses which constitute such an overwhelming majority of our people. In the meantime, Mahatma Gandhi's movement came in. Taking advantage of this situation, we succeeded to a very great extent in calming down many of these impatient idealistic young men who came into touch with us. But all these time we were watching another opposite current running from quite an unexpected quarter. A body was formed in Calcutta called the Citizen Protection League consisting of some well-known loyalists and financed by some of these as well as some Anglo-Indian merchants. We were surprised, later on, when we came to know personally that this body had some touch with the Bengal Secretariat. This League carried on vigorous propaganda against the N C O. move-



ment and flooded the country with anonymous pamphlets disparaging the movement, particularly its pacifist aspect. We have personally known young men catching the tone of mockery from these pamphlets about the Mahatma's doctrine of non-violence. Some prominent members of this body, later on, formed the Constitutional Party and left no stone unturned in making Mr C R Das's council entry programme a failure. A secret document circulated amongst the members of this body but subsequently leaking out in the press during the latter part of December 1922 shows clearly that they entered into a compact with some very high officials of the Local Government to frustrate Mr Das's project.

We do not know if the Citizen Protection League found many workers and if it could carry on any practical work apart from the influential propaganda it carried on. But we shall now speak of a still more dangerous and active agency.

After our release, when we first joined the Indian National Congress and the N C O movement we found mixing freely with the young men of the country, amongst others, a certain person whose name we are ready to disclose in case of a proper and impartial enquiry into this most serious affair. We have knowledge that while previously locked up in Jail as State Prisoner this man along with some others of his ilk was in touch with and helping the Secret Service even from Jail. While the non-violent N C O movement was at its full swing, he was trying to incite young men to form a party of violence. He tried to persuade even some of us to take up the leadership of such a party as against the party of Non-violent N C O which according to his preachings was doing immense harm to the country. Failing to instigate persons who knew something of men and things, he began to characterise those persons as having turned moderate and we know that with an amount of oratory and supported and financed by dark powers from behind he succeeded in getting together a batch of young men. We have very strong reasons to believe that whatever political violence has been committed in Bengal after the N C O movement is the activity of this group consisting of the innocent dupes of this agent provocateur and was incited and engineered by him. As soon as we suspected that the acts of violence committed prior to our incarceration might be political, we tried by our written as well as oral propaganda and moral pressure to alienate young men from the mischievous activities of this group, but very soon our restraining influence was removed, we were thrown into prison and a free hand given to the powers of evil and these inspired outrages continued unabated resulting in lamentable loss of life and property and causing infinite harm to the national cause.

This agent provocateur has been systematically screened from public eye, and unobserved this creature of the Secret Service has been made to do whatever his masters have been wanting of him. His name once leaked out in an identification parade in connection with the Alipore Conspiracy Case and it came out in the court that his name had been penned through and that of an accused put instead. For obvious reasons, this point was not pressed by the counsel for the Defence.

The subsequent havoc brought about in the political life of Bengal by forces thus created is now notorious. Whoever has his eyes open could see that the whole thing was so manipulated as to suit the occasions and jeopardise the national interest at every stage. The events and their sequences were apparently too dramatic to be genuine —

(1) The abnormally superfluous body of Secret Service men wanted to justify their existence before the Retrenchment Committee which was then in operation, as well as before public opinion which was dead sick of the intolerably expensive system of Government obtaining here over a mass of half-fed, ill-clad, ignorant, unhealthy and dying people. The people were determined to mend or end the system and this spirit was going to exert its influence through the legislative bodies. Not merely to utilise the legislatures but every legitimate weapon in the armoury of the nation for the attainment of freedom was the motto at this moment of the major portion of politically-minded Bengal. Actuated with this motive, the Swarajya party under Mr C R Das showed its unflinching determination first to get into the Councils. While this momentous issue kept all workers for Freedom preoccupied some outrages were committed, a number of persons were arrested and put on trial under the Conspiracy sections. The case is now known as the Alipore Conspiracy Case. Whoever followed up the events to the last and observed the forces behind these events knew that this case was not altogether innocent of any motive affecting the Swarajya Party's propaganda.

(ii) The Delhi Congress permitted the Congress men to enter the legislative bodies. The elections were at hand, that was the time when the sensational evidences and confessions in the Alipore Conspiracy Trial were being daily published in the papers and the moment was chosen to arrest us, persons on whom devolved practically the main part of the Swarajya Party's election campaign, and amongst whom were the editor of one and proprietor-Manager of another vernacular journal supporting the Council entry programme from the very beginning and the Manager of the then proposed "Forward" of Mr C R Das, as well as the Secretary and the two following Assistant Secretaries in charge of the Bengal Provincial Congress Committee consisting at that moment of an overwhelming pro council majority, the arrests also included other workers in charge of districts in the election work. A more psychological moment could not be selected for arresting men who had been previously accused of revolutionary conspiracy. The manœuvre was contrived to deceive the ignorant public into the belief that we were arrested in connection with revolutionary activities and murder plots. In connection with our arrest, much has been made of the ill-fated Alipore Trial in the Press, in the Legislatures as well as in an informal meeting between the members of the Local Government and the Press representatives, this last being designed only to cajole the unwary public into silence in case of the premeditated measure being put into action. But the trial, after supplying the authorities such an important handle in clapping us into Jail and in dealing a heavy blow to the Swarajya party's electioneering work, fell through. Yet the Regulation III was handy enough.

(III) Then follows a series of events too numerous to be described here in full but a simple comparison of the dates and events will convince you, or for the matter of that anybody else, that they are not in the nature of ordinary political events which occur in every country. Curiously enough, whenever there has been a sitting of a legislature, or a demand has been tabled therein for responsible Government, or for the release of political prisoners or repeal of repressive Laws, there has been one or another outrage or a discovery of dangerous explosives. Even when the question of Self-Government for India was going to be discussed in the House of Commons, there was a case of a bullet being fired at the Taxi of a Juror, thus supplying occasions to the reactionary associations here to send cables to their friends and sympathisers and the Premier and ex Premiers in England.

The episode, tragic, mysterious, unthinkable, unbelievable, yet real, ends here. It did all the mischief it could to the cause of Freedom for India and in spite of its dramatic perfection will ever remain as one of the darkest blots in the history of British administration in India as an inconceivable step taken to choke the struggle of a nation for freedom at the lag end of the first quarter of the 20th century. The quarter, particularly the last decade, has witnessed events of centuries crowding into an incredibly brief expanse, and ideas have had advance marches requiring ages in previous history and detention without trial, denial of the principle of justice recognised since the early days of the *Magna Charta*, procedure of the Star Chamber Court, the creation of agents provocateur with a view to smother the rising aspirations of a nation and causing the destruction of life and property through the forces of darkness as a sort claptrap against the public workers with also the motive to discredit public movements, deliberately attempting to destroy the non-violent atmosphere requisite for the growth of public life and public institutions by irresponsible utterances of the most responsible at the top "pari passu" with setting at work the meaner and viler forces and seeking to retard the cause of Freedom and Progress by inspired acts of violence, are methods which at this late period of history savour too much of barbarism and any nation on the face of the earth to day should be ashamed of them, and should we bring to your notice in the same breath that even after the Labour Party came to hold the reins of Government in England, such detentions and such procedure continued in India?

What the situation demanded was the total abolition and withdrawal of the irresponsible power and authority of "an alien army of occupation both of civilians and soldiers," from the direction and control of the machinery of Government in the land. The boastful utterance, "The World has been made safe for Democracy," sounds queer in the wide-awake ears of the people which find their own country made safe for exploitation, tutelage and autocracy by all methods civilized or otherwise. The moment demanded a stroke of bold and broad-minded statesmanship, but what was brought into play was indecent temerity and undignified nervousness. "Self determination for nations," the pious wish expressed in the moment of danger

is actually now being translated in the flouting of the country's modest and legitimate demand for a Round Table Conference. After the pronouncement of August 20th, 1917, Indian history is a history of pledges unredeemed, justice denied and demand for liberty suppressed ruthlessly. Examples are too numerous and too gloomy. The pledge with which the Indian Government are bound by their acceptance of the recommendations of the Repressive Laws Committee (according to which the Bengal Reg. III of 1818 ceases to have any application in British India since September 19, 1921) and their subsequent action is only a minor point at issue.

But, though minor in comparison with the army actions in the Punjab and elsewhere, it is in one sense the gravest. It is a blot and a stigma on the Indian people. It insults the manhood of India which is yet considered not only unfit for Self government but also for Government by civilised methods of administration.

The suspension of Habeas Corpus would be unconceivable in England in peace time. It is only due to the temperamentally sober nature of the Indians that the application of this measure has not yet been followed by the consequences met with in English history. Yet there is a limit to the patience of a nation, and coaxing her too often with lawless laws and continually checkmating public propaganda and public organisation by the application of such measures may let loose forces which may get beyond the control of the authorities or of leaders of public opinion, and the Azets and their creators will be and have always been elsewhere in the past of little avail to the authorities in such eventualities. These measures have invariably had effects contrary to what has been aimed at by the enemies of Freedom. In this connection we may tell you that all Indians irrespective of party or creed have developed at least so much of political consciousness as to hate these incarcerations without trial.

What we have already put before you is perhaps enough to tell you how these rusty measures and reactionary officials are instruments of oppressing workers for the welfare, regeneration and Freedom of the country. But the punishment of patriotism does not end there. The families and dependents of those unconvicted detainees are being made to starve, only petty pittance being advanced in some cases in the name of family allowance and on others a flat refusal has been thrown out in spite of the express provision of the law. Then again, as if the unjust and unjustifiable restraint put on personal liberty were not enough condemned, when those educated persons of respectable social status come to prison, they are subjected to the most unworthy and undignified treatment to the callous disregard of the considerations of their health and sense of self-respect. They are made to rot in dark and dungeon like cells meant for the punishment of the worst class of criminals and unfit for human habitation, in spite of the fact that confinement in cells during the war time led to numerous cases of death from consumption as well as many cases of lunacy and suicide amongst the Bengal State Prisoners. These deportees are even at the present moment being treated in Jails according to rules and circulars carelessly framed by Local Government directly in contravention of the ameliorative clauses as embodied in the body of the Bengal State Prisoners Regulation, and their lives in Jail have been made most miserable by all sorts of irksome and worse than penal restrictions and arbitrary denials of right previously recognised and authorities' shameful and humiliating behaviour with them as if they are convicted criminals or beggars craving for the crumbs of their favour.

But these are only secondary considerations. The primary thing is the higher principle involved namely, why should a nation, having no mean history of glory, civilisation, culture and achievements in art, science, philosophy, and religion are ruled by such archaic methods of administration? Will it be argued that the past is past and the present state of India warrants the application of such measures? Well then, the present is a direct product of the years since 1857 and at least the British administrators in India have no right to put forward such an argument if they do, they only commit themselves to the confession as to the sole interest they have pursued in India, namely exploitation, to the utter neglect and jeopardy of all others, of the subject people during these one hundred and sixty seven years, and at the end of these long years the justification of all measures, be they clean or ugly, adopted with the absurd intention of shelving down the throat of a mighty and self-conscious nation perpetual thralldom, betrays a mentality least expected in the party which you represent. Even a former Liberal Secretary of State for India, the late Lord (then Sir John) Morley had condemned the application of the Bengal Reg. III of 1818 in no uncertain terms long before the world witnessed the rapid strides

towards Democracy during the last decade; and repressive measures like these left on the Statute Book leave the most serious blot on the administration of the Labour Government at least so far as India is concerned.

Further more we believe your party puts no faith in the eternal serfdom of a nation for which alone these primitive measures are required to be retained on the Statute Book

#### Nation Wants Freedom

Again, no matter how much the wire-pullers may labour and turn day into night and make frantic efforts to check the free expression and open manifestation of the aspirations of a nation, the stern fact is there that the nation wants FREEDOM and shall not find rest till she has achieved it, she has realised that to retire from the struggle is death for her and she shall have nothing hereafter but onward march on the path of salvation, and now it rests with Britain how she will face the situation whether the greatest of the modern powers will make the most glorious of ancient nationalities her equal and ally or her dependency for sometime longer kept under subjugation by all sorts of shameful and exploded tactics, and then suffer her to sever all connections with herself and live in perpetual distrust and animosity



#### As Certain as the Sun Rises

As certain as the Sun shall rise to-morrow, India shall have Freedom and we herein may venture to express the hope that at this juncture you will bring into play all the broad minded policy that your party professes and give her the fullest scope to mark out the line for her own future development without allowing the atmosphere to gather any more dirt and soil

As long as complete responsible Government is not ushered in and as long as the authorities here continue to feel that their interests collide with the popular interest and with the growing consciousness, it will be impossible to check the course of horrible crimes and heinous machinations and misdeeds committed by the guardians of Law and Order. That these abnormal methods have to be followed only proves that India is suffering an enormous injustice. The policy of administration followed here is running counter to the timespirit and India's case for self-determination can no longer be postponed

#### India's Native Genius

Permit us then to point out that India has a peculiar line of her own growth and that the total engrafting of the English political system will not be to her best interest and to try to impose it on her will be indirectly to perpetuate all the wrongs and evils herein mentioned and it will be a short sighted policy sowing seeds of very dangerous cataclysms. Her genius she alone is competent to discern and she alone can make out the line for her future evolution. So instead of having any extraneous body supposed to be consisting of men nurtured in culture, tradition and civilisation the most un-Indian, and consequently possessed with the least insight into India's inner life and thought to determine her future constitution, it is only meet and proper that her own chosen representatives are allowed to construct a system of Government for herself

#### The Principle of Self determination

It will be recognising in case of India the principle of self determination of which, we believe, your party is a zealous adherent. Then with the ardent prayer that India's legitimate demand for Round Table Conference shall not be deferred, we shall conclude this humble statement but not before we have urged on you the importance of a sifting and thorough enquiry into that aspect of the present system of administration which is represented in course of the delineation of our case in this statement. It will supply materials worth the most serious reflections to the conference, commission, or committee going into the question of Freedom for India or the future relation between Great Britain and India, and being apprehensive that inspired Chauri Chauras may at every stage postpone the nation's Bardoloi, we shall feel it our duty if we are given the opportunity, to help an enquiry like this in all possible manner

## Last Appeal

Lastly, we may hope that this somewhat candid and outspoken statement will be accepted in the spirit in which it has been drawn up and placed before Your Lordship and will not fail to evoke your Lordship's generous consideration to the cause we have herein sought to represent

We have the honour to be,  
Your Lordship's  
Most Obedient Servants,  
Sd/- Bhupendra Kumar Dutt.  
Sd/- Jiban Lal Chatterjee.

STATE PRISONERS, CENTRAL JAIL  
BASSEIN, BURMA

## Proceedings of Parliament

HOUSE OF COMMONS—30TH JUNE 1924.

Mr. WARDLAW MILNE (Conservative Member for Kidderminster) asked the Under-Secretary of State whether Mr. M. A. Jinnah only accepted office as a member of the Committee appointed by the Government of India to enquire into the working of the Act under a special understanding regarding the scope of the enquiry. He asked what conditions Mr. Jinnah laid down, and whether the conditions were accepted. Mr. RICHARDS in reply stated he had no information indicating or suggesting that Mr. Jinnah attached any conditions to his acceptance.

### Political Convicts (Electoral Disabilities)

Sir CHARLES YATE (Conservative Member for Melton) asked the Under-Secretary of State if he was aware that it was the intention of the Swarajist Party that now control the Legislative Council of the Central Provinces to introduce a Bill in that Council to remove disabilities against the candidature of political convicts. Mr. RICHARDS stated he was not aware of any such intention, but pointed out that a Provincial Council had no power to over-ride the Rules made under the Government of India Act. I believe this was one of the matters considered by the Standing Joint Committee of both Houses of Parliament at their meeting this week.

### Professor Gidwani's Imprisonment.

Mr. J. E. MILLS asked the Under-Secretary of State if Prof. Gidwani was still in prison although his sentence of imprisonment had been cancelled by the Government of India. Mr. RICHARDS stated that Prof. Gidwani was serving a sentence of two and a half years' imprisonment which has been passed on him in September, 1293, after trial at Nabha on charges of entering the State against the orders of the Administrator and of joining in an unlawful assembly. Mr. RICHARDS said the sentence had not been cancelled but suspended so long as Professor Gidwani absented himself from the Nabha State, which he was ordered to leave when the sentence was pronounced. As he had returned there in February last in company of the first Shahidi Jatha, he was re-arrested in Nabha territory and committed to prison to serve the original sentence.

### Professor Chatterji.

Mr. MILLS asked the Under-Secretary of State if he had information as to the unrest in the educational centres in Amritsar, as a result of the dismissal of Professor Chatterji from Khalsa College, and if he would ascertain the reason of such dismissal. Mr. RICHARDS replied that Khalsa College is not a Government institution, and that he had no information beyond the press reports, from these it appeared that Professor Chatterji was dismissed by the responsible governing body.

### Gaol Administration, Assam

Mr. SCURR (Labour Member for Mile End) asked the Under-Secretary of State whether his attention had been drawn to the statements of Col. E. H. Bensley, the Inspector-General of Prisons in India, relating to Gaol Administration in Assam, as reported in *The*

*Hindu* of 3rd June, to the effect that Indian Gaols were turning out criminals, and urging on all those who had to deal with juvenile cases to explore every other alternative before awarding sentences of imprisonment, and what steps the Government of India had taken to remedy this state of affairs Mr. RICHARDS referred Mr. Scurr to paragraphs 5 and 7 of the Assam Government's Resolution at the end of the Report, and stated that that Resolution described further action taken by the Local Governments in 1923 to give effect to the Indian Gaols Committee

#### Jamshedpur Labor Conditions

Mr J E MILLS (Labor Member for Dartford) referred to the housing conditions within the area of Jamshedpur and to the fact that only 33% of the work-people were provided with accomodation, pointing out that there were three families living in rooms suitable for one family, and six persons living in one room 10ft by 8ft He also called attention to the conditions of employment in the Tata Steel and Iron Company, pointing out that this Company controlled the whole of the liquor licenses in Jamshedpur and were the owners of the whole of the lands and fields covering an area of something like 25 square miles Mr RICHARDS stated that the Secretary of State had no information on the points referred to, but was asking the Government of India for report on the matter

#### Distribution of Provincial Areas

Sir Charles YATE asked whether the Secretary of State would consider an amendment of the present composition of the Legislative Councils by adopting the proposal of Sri Prabhaskankar Pattam to recast the Provincial Areas on a linguistic basis, the guiding principle as far as possible being, one language one Province Mr RICHARDS in reply referred Sir Charles Yate to para 246 of the Montagu-Chelmsford Report where this matter is dealt with He added that the Secretary of State did not propose to initiate the redistribution of Provincial Areas

Sir Charles Yate was not satisfied with this answer and pointed out that India was about the same size as Europe without Russia, with an equal population and similar divergencies of races and language, and he asked if the Under-Secretary of State did not think that these races and languages should have a chance of working out their own Self-Government instead of being all mixed up together as at present Mr Richards gave no reply to this supplementary question, but he and other Labour Members were rather amused with the idea of Sir Charles Yate being so pathetically interested in giving Indians a better chance than at present of working out their own Self-Government So far, he had been one of the chief opponents of that course

#### Provincial & Subordinate Services

Mr WALLHEAD asked the Under-Secretary of State whether H M Government contemplated taking any steps to improve, within a reasonable period, the pay, prospects, and general conditions of the Provincial

and Subordinate Services in India on lines similar to those recommended by the Lee Commission for the Superior Civil Services in India. Mr. RICHARDS pointed out that no decision would be taken on the Lee Commission's Report until after the September Session of the Legislative Assembly. The question of extending any of the recommendations to Provincial Services would be dealt with at the earliest practicable date in consultation with the local authorities primarily concerned.

Sir CHARLES YATE asked the Under-Secretary of State the result of the correspondence with the Government of India regarding the position of British members of the All-India Services being treated on a different footing to British members of the Provincial Services in India in the matter of retirement on proportionate pensions under the Reform Scheme of 1919, and whether he would now give effect to the original proposals of the Government of India and the recommendation of the Joint Committee and withdraw the limit prescribed in 1921. Mr RICHARDS, in reply, stated that the question of the position of members of the Provincial Services is a large one, and consultation is necessary not only with the Government of India but also with the local Governments, which are the authorities primarily concerned. He further stated that this was being undertaken, and he could not as yet make any statement nor promise one in the immediate future.

#### Professor Gidwani's Imprisonment

In reply to Mr J E MILLS, who asked the Under-Secretary of State if Prof Gidwani was still in prison although his sentence of imprisonment had been cancelled by the Government of India, Mr. RICHARDS stated that Dr Gidwani was serving a sentence of two and a half year's imprisonment which had been passed on him in September 1923, after trial at Nabha on charges of entering the State against the orders of the Administrator and of joining in an unlawful assembly. Mr Richards also said that the sentence had not been cancelled but suspended so long as Professor Gidwani absented himself from the Nabha State, which he was ordered to leave when the sentence was pronounced. As he had returned there in February last in company of the first Shahidi Jatha, he was re-arrested in Nabha territory and committed to prison to serve the original sentence.

#### Passports Refusal.

Mr BENN TURNER (Labor Member for Batley and Morley) asked the Under-Secretary of State for India whether he was aware that the Government of the United Provinces refused, without giving any reasons, to grant passports to Babu Shiva Prasad Gupta and his wife to proceed to Europe, in spite of the fact that Babu Shiva Prasad Gupta had been advised to take his wife to Europe for medical advice and treatment, and that she could not go to Europe unless he accompanied her, and whether he would make enquiry into the causes of that refusal. Mr RICHARDS said he was aware of the refusal to grant a passport to the persons named, and that the Secretary of State had received a report upon the subject which had satisfied him that it would not be right for him to interfere with the discretion of the Indian authorities in the matter.



Mr. TURNER further asked the Under-Secretary of State whether he was aware that the Government of Bengal had refused a passport to Maulana Abul Kalam Azad to proceed to Europe for medical treatment, and whether he would enquire into the circumstances of the refusal. Mr. RICHARDS, replying, admitted that he was aware that a passport had been recently refused to the Maulana, but that the ground on which it was applied for was not that indicated in the question. He further stated that the Secretary of State was not prepared to interfere with the discretion of the Bengal Government in the matter.

#### HOUSE OF COMMONS—7TH JULY 1924

##### Cawnpur Disturbances

Mr. RICHARDSON (Labor Member for Houghton-le-Spring) asked the Under-Secretary of State whether he had received an official report on the shooting of strikers at the Cawnpur Cotton Mills on the 4th April last, and whether he would lay it on the table of the House together with the evidence on which it was based. Mr. RICHARDS stated that he would place a copy of the Report in the Library of the House. He had not yet received a copy of the evidence from the Government of India and he was unable to comply with that part of Mr. Richardson's request.

##### Khilafat Committee Passports

Mr. W. M. ADAMSON (Labor Member for West Fife) asked the Under-Secretary of State the reasons for the refusal of passports to the Muhammadan Deputation appointed by the Khilafat Committee for the purpose of visiting Turkey. Mr. RICHARDS stated there was no refusal to grant passports to the Deputation as such, but as explained in the Legislative Assembly in March, the Government of India were unable to grant passports to certain persons proposed as members of the Deputation because some of them had been convicted of offences against State or inciting Government servants to disaffection, and others were not of the Muhammadan religion.

Mr. ORMSBY-GORE (Conservative Member for Stafford and late Under-Secretary of State for the Colonies) asked if it were not the case that any Khilafat Committee would now be interfering with the internal affairs of Turkey. Mr. RICHARDS merely replied that that was a different question from the one on the paper.

##### Karachi Court-Martial

Mr. BAKER (Labor Member for Bristol) asked if the Under-Secretary of State's attention had been drawn to the Court-Martial held at Karachi on a member of the Royal Air Force charged with assaulting Mr. Sidhwa, and whether he was aware that though the Commander-in-Chief sanctioned the prosecution, the defendant was acquitted despite his confession of guilt and the testimony against him of a number of witnesses, including four soldiers. Mr. RICHARDS stated that he had no information with regard to the case, but would ask the Government of India for a report on the matter.

## Indian Subjects, Fiji.

Mr. SCURR asked the Under-Secretary of State whether the Report of the Deputation which the Government of India had sent to Fiji over two years ago had yet been published, and if not, for the reason of the delay in publication Mr RICHARDS replied that the Report had not yet been published, and added that the question of the conditions under which Indians live in Fiji had been referred by the Government of India to the Committee appointed by them to confer with the Secretary of State for the Colonies on questions concerning Indians in the Colonies, and in the circumstances it was thought desirable to postpone consideration of the question of publication

## Government of India Act Enquiry

Sir CHARLES YATE (Conservative Member for Melton) asked the Under-Secretary of State whether, considering that the Government of India had now appointed a Committee to enquire into what amendments of the Government of India Act appeared to be necessary to rectify any administrative imperfections, the Secretary of State would now authorise the Government of India to suspend the Legislative Assembly and the Legislative Councils until such time as the deliberations of the Committee had been completed Mr RICHARDS replied that the answer was in the negative

Mr PETHICK LAWRENCE (Labor Member for West Leicester) asked if the Government of India would take into account the possibility of extending the scope of this Committee to deal with some questions that are causing unrest at the present time The Under-Secretary of State replied that nothing would be gained by referring again to the terms of reference of this enquiry which had already been given in the House on more than one occasion There is a strong feeling on the Labor benches that the result of this Committee's deliberations may show that Drastic amendments of the Act are necessary and that the whole system of diarchy should be abolished, as it seems to find no friends in any party here or in India

## Municipal Public Services.

Sir Charles YATE asked the Under-Secretary of State whether, considering that certain Municipalities in India, in which full Self-Government had already been attained, were inefficient in the matter of public services such as water-supply, roads, etc., and that the financial position of many Municipalities was causing concern, the Government of India would call upon the members of these Municipalities either to show their fitness for Local Self-Government or else to resign, and if not, he asked the Under-Secretary of State what steps it was proposed to take to enable Indians to show their fitness for Self-Government Mr. RICHARDS replied quite briefly that the Government of India had no longer control of Municipalities in Governors' Provinces

## Prisoners in Gaols

Mr. HUDSON (Labor Member for Huddersfield) asked the Under-Secretary of State what facilities were given to prisoners in India for appealing against any decision of gaol authorities concerning them Mr. RICHARDS replied stating that prisoners in gaols in India have no

right of appeal, but there is a system of frequent visits to gaols by duly appointed official and non-official visitors to whom the Indian Gaols Committee recommended that the power should be given of inspecting the gaol records including the punishment book. They were entitled to put any questions to prisoners out of the hearing of any gaol officer, and to communicate their observations to the Inspector-General. The Government of India has recommended this system to the Local Governments, but was unable to say what precise arrangements were in force in each Province.

Mr HUDSON asked a further question as to whether prisoners in Indian gaols were permitted to see the written orders, rules, and provisions of the gaol code, to which the Under-Secretary of State replied that Gaols in India were now a Provincial subject, and Manuals of Gaol Administration were published by various Provincial Councils, but he had no information as to the practice in the several Provinces with regard to the grant of permission to individual prisoners to consult the Manuals.

#### Government of India (Leave of Absence) Bill

The money resolution in connection with this Bill, authorising payment out of the revenues of India of any salaries, leave allowances, and travelling or other expenses which may become payable under this Act was reported to the House soon after 11 o'clock on Monday night, 7th July at the conclusion of the Debate on the Foreign Office Vote. The resolution was agreed to without any comment.

#### HOUSE OF COMMONS—14TH JULY 1924

A good many questions on India were asked on Monday, the 14th July. It was on this day that Mr Thomas, the Colonial Secretary, said that he did not propose to appoint a representative Indian on the East African Committee which was soon to visit East Africa.

#### The Akali Agitation

The irrepressible Sir Charles YATE put more questions to the Under-Secretary of State for India with reference to the Akali agitation. He asked Mr Richards whether his attention had been drawn to the misrepresentations and hatred of the Government displayed by the Akali propaganda published in the extremist Sikh Press, and considering that the organisation of the Akalis had refused the conference and the generous terms offered by the Government through the Birdwood Committee and the elected Sikh Members of the Punjab Legislative Council and by devoting itself to fanning the flame of anti-government hostility had now grown into formidable danger to the other communities in the Punjab as well as to other sections of the Sikhs, would he state what special action was to be taken to maintain law and order in the Punjab?

Mr RICHARDS: I am aware of the extreme writings of a section of the Press in connection with the Akali agitation. As regards the last part of the question, the policy of the Punjab Government, which has the full approval of the Government of India and of my Noble Friend, is to maintain order and public security by consistently applying the law against all offenders, and at the same time to neglect no

means of arriving at a stable and equitable solution of matters in controversy, with due regard to all the interests that are affected.

Sir C. YATE Is the hon Gentleman aware that this Akali agitation has now become a purely political and revolutionary movement, without any religious features whatsoever, and will the Government of India take steps to put down this revolutionary movement?

Sir Henry Craik Is it not well to leave this matter to the Governor of the Punjab and his assistants on the spot?

Mr. Richards With regard to the second supplementary question, I think it is well With regard to the first, it has always been partly religious

Sir C Yate Does not the hon Gentlemen know that religion is quite out of it now? Mr Richards gave no further reply

#### Sedition Charges, Cawnpur

Mr LANSBURY (Labor Member for Bow and Bromley) asked whether copies of the evidence given at the recent trials for sedition at Cawnpur had yet arrived, and if he would lay copies on the table of the House Mr RICHARDS stated that the evidence referred to had not yet been received Mr Lansbury, in a further question, asked whether the Under-Secretary of State was aware that nearly 150 persons had been arrested in the Cawnpur District charged with sedition, and he asked that the House should be told what was the actual nature of the charges preferred against these men. The Under-Secretary of State had no information, he said, of such arrests having been made in the Cawnpur District Commander Kenworthy asked if the Under-Secretary of State was aware that these men were being arrested because they advocated the land for the people Mr Richards only added that he had no information on the matter This did not satisfy Mr Lansbury, who gave an unsolicited testimonial to Reuters—whether ironical or otherwise—by asking if the Under-Secretary would make enquiries, seeing that the information was conveyed in a Reuters telegram, and that Reuters were “notoriously accurate” Mr Richards promised to make enquiries on the matter

#### Fighting Services (Indianisation)

Mr BATEY (Labor Member for Spennymoor) asked whether any action had been taken on the resolution passed by the Legislative Assembly calling for the unrestricted admission of Indians to the Naval, Military and Air Forces Mr RICHARDS stated that such action had been taken and the whole question of the admission of Indians to the various arms was carefully considered, along with other questions relating to the defence of India in 1922, by the Committee of Imperial Defence, upon whose recommendations the existing policy of Indianisation was laid down by H M Government in 1923. (About the scope of this scheme see I. A R 1923)

#### Cavalry Regiments (Reduction)

In reply to a further question by Mr BATEY, Mr Richards stated that the decision on the Retrenchment Committee's recommendations for the reduction of military establishments in India were not taken by

any one Department, but by H. M. Government as a matter affecting the disposition of the Imperial Forces as a whole. The War Office, he stated, did not contribute directly to the cost of the Cavalry Regiment which it was decided to retain on the Indian establishment. They had agreed to pay £75,000 a year for two years to Indian Revenues in consideration of various factors connected with the general scheme of reduction. Sir Charles Yate asked if the Military Forces in India had not now been reduced below the margin of safety, and Mr. Richards replied that he was not aware of that.

#### Sale of Gold

Mr. W. M. ADAMSON (Labour Member for Cannock) asked the Under-Secretary of State if he would publish the correspondence between the Government of India and the Secretary of State relating to the sale of £2,000,000 gold from the Currency Department. Mr. RICHARDS replied that the correspondence on the matter was very voluminous, and that the Secretary of State did not consider that any adequately useful purpose would be served by publishing it.

#### Indians in India Office.

Mr. MILLS asked how many Indians are on the advisory, technical, political and industrial staff of the India Office, and, if none are employed, will he consider the appointment of such as are competent for offices which are or may fall vacant?

Mr. RICHARDS I am quite sure what are the appointments to which my Hon. Friend refers. Appointments to the establishment of the Secretary of State in Council are made as the result of open competitive examination, for which Indians are eligible. There are no Indians on the establishment. Certain appointments in the India Office requiring special qualifications are made by selection, and there are three Indians, so appointed, on the Council of India. One Indian is also employed in the Library.

#### Indians in Government Department

Mr. ADAMSON further asked for the number of Indians holding positions of Secretaries to the Government of India in the various departments of the Central Secretariat. Mr. RICHARDS replied that on 1st May, 1924, one permanent appointment of Secretary to the Government of India was and still is held by an Indian. There is also an Indian unofficial adviser on Military Finance with the status of Secretary, and Indian officers were officiating as Additional Joint Secretary and Deputy Secretary in the Legislation and Education Departments.

#### Elections—Army officers

Mr. LANSBURY asked the Under-Secretary of State whether he was aware that a Brigade Order was issued in Sialkote in the recent election recommending military officers to vote for non-Swarajist candidates as the most desirable persons before the electors, and whether this Order had the approval of the Government of India or the Commander-in-Chief. Mr. RICHARDS replied that the Secretary of State had no information but would make enquiries.

## HOUSE OF COMMONS—21ST JULY 1924

July 21st was a record day for Indian questions in the Commons. This was primarily because of the great debate that was held on that day in the Lords (see p 313). The following are some of the more important interpellations —

## Trade Unions.

Mr. Walter BAKER (Labor Member for Bristol), Sir Charles YATE (Conservative Member for Melton) and Mr. John SCURR (Labor Member for Mile End) all had questions addressed to the Under-Secretary of State on this subject. Mr. RICHARDS stated it was not the intention of the Government of India to introduce amendments to the Trade Unions Act whereby any person not engaged in any particular industry would be prevented from taking part in the organisation and administration of Trade Unions. He pointed out that at present there was no Trade Unions Act in India, but the Government of India contemplated introducing legislation next year for the registration and protection of Trade Unions. A copy of the Draft Bill was expected shortly, and would be placed in the Library when it arrived.

Sir Charles YATE asked if the Secretary of State deliberately contemplated making Trade Unions in India above the law, to which Mr. Richards replied that that was not the intention of the Government.

Mr. W. THORNE (Labor Member for Plaistow) said that Trade Unions in India wanted the same rights as Trade Unions in that country have. That simply meant that such bodies, when registered, will be protected against civil or criminal proceedings when pursuing *bona fide* Trade Unions activities.

## Wages Payments—Bombay.

In reply to Mr. CLARK (Labor Member for Midlothian and Peebles), Mr. Richards stated that the Secretary of State could not make Maternity Benefits or the closing of Liquor shops on pay days and holidays compulsory, since legislation in India would be required for that purpose. With regard to Maternity Benefits, he stated that the Government of India had recently considered the question of taking action on the lines of the Washington Convention concerning the employment of women before and after child-birth, but had decided that, in the circumstances existing in India, this was not feasible. He said that the Secretary of State could not interfere with the regulation of liquor shops, as this was a Transferred Subject.

## Opium and Alcoholic Liquors.

In reply to Mr. George LANSBURY (Labor Member for Bow and Bromley), the Under-Secretary of State said that figures showing the amount of revenue received by the Government of India from the sale of opium and alcoholic liquors in British India for the past ten years were being prepared and would be circulated in the Official Report as soon as possible. India, he said, would be represented at the two Conferences on Opium-smoking and the Manufacture of Drugs to be held in autumn. In selecting representatives, the Secretary of State would follow the procedure adopted in the case of the Indian Delegation at the Assembly of the League of Nations.

## Prison Administration (Press Attacks.)

Sir Charles YATE asked the Under-Secretary of State for India whether his attention has been drawn to the Report on the administration of the gaols in the Punjab for the year 1923, and the remarks of the Governor-in-Council on the attack in the public Press of India upon the prison administration, which only ceased when the bulk of the Akali prisoners were released and which the Governor-in-Council concluded had been engineered for political reasons and were, when not totally false, at all events greatly exaggerated, and that his sympathies were with the officials who were defamed, and, placing on record his satisfaction with the efforts made to maintain prison discipline under the most difficult conditions, whether he will state in how many cases proceedings were taken against the defamation of officials in the Indian Press and to protect the officials, both British and Indian, in their endeavours to do their duty?

Mr. RICHARDS —The reply to the first part is in the affirmative. I cannot give figures as to the second part. As regards the last part, I would refer to the answer which I gave to a similar question on the 19th May last

Sir C YATE Is it the case that most of these attacks were made in the paper called the "Bande Mataram," the Editor of which is Lala Lajpat Rai, and of which Harkishen Lal, a former Minister, is now the chief share-holder?

Mr Richards I am not aware of the circumstance

## Riots (Delhi &amp; Nagpur)

Mr RHYS asked the Under-Secretary of State for India if he can give any information as to the recent rioting in Delhi, the cause of the outbreak, and the number of casualties?

Lieut-Colonel Howard-Bury asked the Under-Secretary of State for India whether he had any information with regard to the Hindu-Moslem riots in Delhi, and whether he will call for an official report?

A similar question was asked by Mr Simpson as to the number of religious riots. Earl Winterton wanted to know if these riots were not suppressed by the British Army, his insinuation being that without the British Army India would be deluged by these communal feuds

Mr. RICHARDS I will answer these questions by circulating in the official Report copies of telegrams from the Government of India on the subject of the Delhi and Nagpur riots

*Following are the copies of the Telegrams*

"Copy of Telegram from the Viceroy, Home Department, to the Secretary of State for India. Dated 17th July 1924.

"Acute tension between Hindus and Mohammedans, Delhi, has been prevalent for some time, resulting in somewhat serious disturbances. Alleged assault by Hindus on Mohammedan boy, and false rumour that boy was killed, created much excitement in Mohammedan community. Military was called in and situation was under control by nightfall. Dispositions created by local authority were sufficient to prevent distur-

bances on the following three days, and critical day, 14th July, of Mohammedan Festival passed off quietly. At midday on 15th July, however, serious trouble began in Sudder Bazaar. Local regulations prohibit taking cows for slaughter in Delhi during Id by certain routes leading through the Hindu quarters. Dispute arose whether a cow should be taken along prohibited route. Riots ensued and police were compelled to fire. Order was restored by about 4 p.m. by the assistance of the military. Three Hindus and one Mohammedan are believed to have been killed. Latest reports state that the situation is satisfactory.

"Copy of telegram from the Viceroy, Home Department, to the Secretary of State for India, dated 18th July 1924

"Following telegram received from Chief Commissioner, Delhi —Communal tension between Hindus and Mussalmans has been greatly accentuated lately by several rumours of forcible conversion to either faith. Special arrangements made for protection of the city during Id with the aid of the military. On the 11th, 3 days before Id, insignificant unexpected quarrel between Hindu and Mussalman youths occasioned slight riot in the morning, easily suppressed, followed by serious Mussalman attack due to false rumour of death of this youth. Situation promptly dealt with by police, but military assistance invoked. Situation under control by night. Hospital casualties: Hindus, dead 3, injured 45, Moslems, injured 25. Unknown number under treatment elsewhere. No trouble 12th to 14th. Local authorities morning of the 15th proclaimed special closing of additional route through Hindu quarter for cows destined for sacrifice. Orders resented by the Moslems, especially butchers. Serious riots at midday in the northern suburbs of the city. Proclamation with difficulty enforced. Order restored within two hours with military assistance. Hospital casualties: Hindus, dead 8, injured 44, Moslems, dead 1, injured 25, unknown number privately treated. Police opened fire with buckshot, causing two deaths. No trouble 16th. Following night riot by Hindus centre of city easily suppressed. To-day situation quiet, Moslem shops generally open, Hindu shops mostly closed. Police control adequate with military assistance. There has been no looting. Situation grave owing to the unreasonable panic and possibility of individual acts of badmash.

"Copy of Telegram from Viceroy, Home Department, to Secretary of State for India, dated 17th July, 1924.

"Following has been received from the Central Provinces Government —"Trouble again rose in Nagpur City in connection with the Hindu procession past the Mosque on 12th July and 13th July. Several isolated assaults and stone-throwing took place, and number of persons admitted to hospital on 13th, of whom two seriously injured. Police have the situation well in hand and no serious trouble anticipated. District Magistrate has issued orders under Section 144, Criminal Procedure Code, prohibiting the carrying of sticks in public places. No serious disturbances have been reported at any other place. We shall furnish any additional information that may be received by 20th July."

"Copy of Telegram from Viceroy, Home Department, to Secretary of State for India, dated 19th July 1924



"*Bakrud* disturbances. Details regarding Delhi Nagpur already communicated. No troops employed to assist the civil power in dealing with rioters."

### Birth and Death-Rates (Children)

Mr. LANSBURY asked the Under-Secretary for India the number of births in British India during the past 10 years ending 30th June; and the number of deaths of children under one, five and ten years of age for the same period

Mr. RICHARDS As the reply takes the form of a statistical table, I propose to circulate it in the Official Report

#### *Number of registered births in British India*

Year	Number.
1914 . . . . .	9,447,300
1915 . . . . .	9,021,825
1916 . . . . .	8,856,183
1917 .. . . .	9,379,349
1918 . . . . .	8,430,560
1919 .. . . .	7,212,115
1920 .. . . .	7,864,232
1921 ... . .	7,322,639
1922 . . . . .	7,538,956
1923 . . . . .	7,909,097

#### *Number of deaths of children*

Year	Under 1	Under 5	Under 10
1914 . . . . .	2,001,988	1,264,006	422,403
1915 . . . . .	1,821,732	1,132,395	442,878
1916 . . . . .	1,793,734	1,196,972	423,761
1917 . . . . .	1,929,491	1,365,463	423,761
1918 . . . . .	2,252,034	2,052,979	1,037,796
1919 . . . . .	1,618,799	1,351,739	625,735
1920 . . . . .	1,532,990	1,148,567	498,157
1921* . . . . .	..	..	..
1922* . . . . .	.	..	.
1923* . . . . .	.	..	..

\* No figures for this period are available

### Cawnpur Sedition Trial

Earl WINTERTON (Conservative Member for Horsham) again asked the Under-Secretary of State if he would publish as a White Paper an account of the proceedings and findings in the Cawnpur Conspiracy Case

Mr RICHARDS replied that the Government of India had recently reported that a complete record of the case was being prepared for the

hearing of the Appeal in the High Court, and copies would be forwarded as soon as possible

Mr. LANSBURY also pressed that the whole of the evidence should be published without delay, and Mr. Richards stated that he could not give any further undertaking at present, as the Secretary of State had not yet received it himself.

#### Indian Franchise

Mr. JOHN SCURR asked whether the Committee enquiring into the working of the Government of India Act had power to enquire into the effect of the limitation of the franchise and to make recommendations whereby the working and depressed classes might obtain direct representation in the Legislative Assembly and on the Provincial Councils Mr RICHARDS stated that he did not think the terms of reference would debar the Committee from enquiring into the present franchise, but he doubted whether they would cover recommendations in the sense suggested in the question.

#### Indian Constitution.

Mr MACKINDER (Labor Member for Shipley) asked the Under-Secretary of State if the Resolution of the Legislative Assembly of September 1921, to the effect that the progress made by India on the path of Responsible Government, warranted the re-examination and revision of the Constitution at an earlier date than 1929, which was supported by the Government of India, was transmitted to the Secretary of State, and whether this was still the view of the Government of India, and if not, whether he could give the reason for the change Mr RICHARDS stated that the Resolution had been transmitted to the Secretary of State and was answered by his predecessor in a published despatch He added that the Government of India did not express the view which Mr Mackinder attributed to them [This last statement is rather surprising in view of the fact that when the Resolution was moved in the Indian Legislative Assembly, the Debate was adjourned on the proposal of Sir William Vincent, then Home Member of the Government of India, who on behalf of the Government moved an amendment which was adopted by the Assembly in the following words "That this Assembly recommends to the Governor-General in Council that he should convey to the Secretary of State for India the view of this Assembly that the progress made by India on the path of Responsible Government warrants a re-examination and revision of the Constitution at an earlier date than 1929."]

#### O'Dwyer vs Nair

Sir Charles YATE (Conservative Member for Melton) asked the Prime Minister whether he would grant time for the discussion of the Motion standing in his name, asking that His Majesty would be graciously pleased to revoke the censure passed on General Dyer in view of the remarks of Mr. Justice McCardie in the recent case The PRIME MINISTER, however, in reply refused to grant any time for the discussion of such a Motion.

### Maternity and Child Welfare.

In reply to Mr JOHN SCURR (Labor Member for Mile End), the Under-Secretary of State for India said it was not the intention of the Government of India to ratify the proposals of the International Labor Convention of Washington concerning Maternity Benefits. The Washington Conference of 1919, he said, had resolved that the Indian Government should be requested to make a study of the question of the employment of women before and after confinement, and of Maternity benefits, and to report on these matters.

### Indian Children Mortality.

Mr JOHN SCURR asked for a return of the mortality rate of children under one year and five years respectively in Bombay, for each of the years 1919-23 inclusive. Mr RICHARDS stated that the figures for the years 1921, 1922, and 1923 were not yet available, but in 1919 the ratio of deaths per thousand of the population in the Bombay Presidency, under one year was 206.70 males and 196.7 females, the corresponding figures under five years being 56.48 males and 55.32 females. In 1920, the figures were under one year 191.42 males and 174.26 females, and under five years 45.60 males and 43.20 females.

Mr SCURR also called the Under-Secretary of State's attention to the Report of the lady doctor appointed by the Bombay Government, to the effect that 98 per cent of the children born in the industrial area in Bombay were drugged with opium. Mr RICHARDS stated that he had seen the Report referred to, but he was not aware what action was being taken by the Government of Bombay. He promised to make enquiries on the matter.

### Provincial Administration

Sir CHARLES YATE asked if, in view of the Viceroy having called a Conference of Provincial Governors at Simla at the end of this month to discuss the administration of the various Provinces, the question of the advisability of suspending the Legislative Assembly and all the Provincial Councils would be discussed. Mr RICHARDS stated that he had no knowledge of any general Conference for the purposes indicated, but in any event the Government of India Act did not provide for the suspension of the Legislatures.

### Indian Currency.

In answer to Sir Frederick WISE, (Conservative Member for Ilford) the Under-Secretary of State said he had not received any communication from the Bengal Chamber of Commerce on the Currency situation, but he understood such a communication had been addressed to the Government of India who would doubtless give it careful consideration. The Secretary of State, he added, was in constant consultation with the Government of India on important questions that arise constantly in connection with Indian Currency and Exchange.

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## HOUSE OF LORDS—21ST JULY 1924

In the House of Lords Lord PEEL drew attention to the present situation in India and asked Lord Olivier, the Secretary of State for India, for a full Statement of policy. In doing so His Lordship paid a tribute to the industry and despatch of the Lee Commission. He remarked that there was a great deal of opinion at present in India rather averse to making proper provision for the Services, partly owing to a tendency to believe that complete Indianisation of the Services might lead to their being placed on a more inexpensive basis. Unfortunately some did not desire to improve the position of the Services because they thought that by the failure of the Services there would be an unwillingness of the young men of Britain to enter them. The bond between Britain and India might thus definitely be weakened.

Those in the Services, said the speaker, were uncertain in regard to their future owing to diminished opportunities, constitutional changes and the Indianisation of the Services. Nobody had ever challenged the complete loyalty of the Services to the Reforms and their determination to work most faithfully and most loyally under them, but the confidence of the Services must be restored if possible.

The fullest responsibility for the protection of the Services rested with the Secretary of State. Lord Peel expressed the opinion that the Lee Commission had framed its advice from a very direct view of economy and the present financial situation in India. It might not be easy at present to find money for the Public Services in India, but the proper payment and support of the Civil Services in any country should be the first charge on the revenues of the country. He urged that Lord Olivier should declare his intention of bringing these proposals into operation. He also hoped that Lord Olivier would pay the most sympathetic attention to the position of British and domiciled Europeans in the Provincial Services. Parliament could not divest itself of responsibility in that respect. The need for capable officials was not certainly lessened by non-co-operation in the Provinces.

Lord Peel emphasised that non co-operators had entered the Councils to destroy the Government. He referred at length to the recent events in the Central Provinces and Bengal with regard to the voting of money and he pointed out that the action of the non-co operators had compelled the Governor of the Central Provinces to take over the working of the transferred subjects, thus destroying in a large measure the constitutional advance and freedom granted when the subjects had been handed over. Lord Peel asked whether Lord Olivier contemplated that it might be necessary in the near future to make these transferred subjects reserved subjects and how Lord Olivier proposed to deal with the situation in Bengal and to support the Government's efforts to continue the good administration of the province.

The speaker drew attention to the 'very remarkable statements' of Mr C R Das in regard to the Day Murder and said that the resolution praising the patriotism of the murderer of Mr Day might have a very deplorable effect. He hoped that any proceedings that the Government might contemplate taking against Mr Das should not be suspended merely because he was an important person and that action would not be taken only against humbler persons. Lord Peel said that the reply given in the House of Commons on that point, namely, that Mr Gandhi disapproved of the murder was very remarkable. He was unable to understand what that had to do with it unless it suggested that Mr Gandhi was the keeper of the Government's conscience and that his disapproval acquitted the Government of the necessity of any further action.

In regard to the Akali problem, Lord Peel asked whether one of the reasons for the failure of the Birdwood Committee to restore order was that it had been a condition that the Maharaja of Nabha should be restored.

Lord Peel pointed out that in the Government of India Act the so-called promise of self government was helged about by important conditions and qualifications and asked what particular experience and defects had led to an enquiry into the working of the Act, because only last year the Viceroy had accepted Lord Peel's suggestion that with a view to collecting a great volume of experience before the Commission went out in 1930 the different provinces should report every year in regard to the working of the Constitution. He did not know whether the results of the first reports showed any serious defects, but it was rather rapid to establish such an enquiry after only three years. Under the rules a great deal could be done as regards altering the balance of the existing Constitution. Had the Indian politicians devoted to

carrying out the Constitution one-tenth of the energy shown in obstructing it, India would now be far more advanced on the road to constitutional reform

Lord LEE said that the reports from India were by no means reassuring. Referring to the pledge that no decision with regard to the Lee Commission's recommendations would be taken until after the discussion in the Assembly in September, Lord Lee uttered a warning in regard to the effect on the "morale" and efficiency of the Services if the matters were unduly delayed or action was not ultimately taken. There was lively discontent in the Services at present and much despondency in regard to the position and future of the Services. He could not help feeling that there was considerable excuse for that and urged the Government to act upon the unanimous declarations of the Commission without delay.

The speaker pointed out that owing to the suspense and the intolerable financial conditions of the Services recruiting had practically dried up and a regrettable exodus was proceeding. A recruiting campaign was urgently needed at present. He emphasised the danger of delay and said that the Government at present had a unique opportunity which might never recur.

### Lord Oliviers' Reply.

Lord OLIVIER associated himself with all that Lord Lee had said in regard to the Services' claims to consideration. He pointed out that while the rise in the living of Europeans in India between 1914 and 1923 was at least 60 per cent the average increase of pay of Service-men—taking a man's pay throughout his period of service—was about 20 per cent, and in the case of the Indian Civil Service the increase was under ten per cent. He dwelt on circumstances incidental to service in India making the rise in the cost of living exceptionally burdensome to European and domiciled officers, especially the married ones. He also referred to the fall of the rupee. He said that quite independently of any question of inducements to the future recruiting of the Services these facts seemed to him to present a claim for relief which no reasonable and just-minded man could, on its own merits, repudiate and refuse.

As regards the procedure in dealing with the Lee Commission's report Lord Olivier said that when the reservations were made in the Assembly with regard to the Secretary of State's power to pass early orders on urgent recommendations the purport of the report was unknown to the Secretary of State or to the Government of India and it was a presumable contingency that the report might contain recommendations on which it would be expedient to take action successively in some order of priority, as was done in the case of the Islington Commission's report. But when the Lee Commission submitted its report it became apparent that this method of procedure would not be appropriate.

Lord Olivier said that he himself in Council and the Government of India had accepted the Commission's view that its report must be treated as a whole. Therefore even apart from any question of the claims or the position of the Assembly the passing of urgent orders on any important recommendations could not be decided on before the contents and implications of the Commission's proposals as a balanced whole had been fully considered. Lord Olivier emphasised the necessity for thoroughly examining the report and remarked that the fact that he had accepted the view that the report must be treated as a whole could not in any way commit him in advance to the acceptance of every recommendation just as it stood. He must also determine which recommendations would require priority of action when the time came to implement his decisions. That task could not be carried out without close consultation with the Government of India and, through the Government of India, with the provincial Governments. The investigation was being pushed on with the utmost expedition possible, but nobody knowing the magnitude of the issues involved would expect that any Secretary of State who took the report at all seriously could possibly be in a position to pass final orders on it as a whole within two or three months. It might, therefore, be confidently said that no avoidable delay would have occurred if the orders were passed within six months of the appearance of the report, and the promise of a discussion in the Assembly, quite apart from its great importance from a constitutional point of view, would not be found to have affected the date by which final decisions were taken.

The Commission's recommendations that their financial proposals should take effect from the beginning of the financial year 1924-25 should reassure all concerned that they would not lose owing to the time necessarily allowed for a proper consideration of the report. Lord Olivier emphasised that the India Office had lost no time before examining the report and mentioned the special points on which attention had been concentrated. The first was in regard to recruiting for the Services. It had been decided to suspend recruitment in England at present for the Educational, Agricultural and Veterinary Services. The Government of India had stated their requirements as regards Engineers, the Forest Service and the Geological Survey and selection committees had met or were meeting shortly to interview candidates. No difficulty was anticipated in obtaining them. There would be no suspension of the Indian Civil Service open competition in London, which would be held in August. The examination for the police had already been held. There was no reason to suppose that there would be any greater difficulty this year than last in securing the full number of recruits. In the second place it was necessary to explore thoroughly the legal aspects of the Commission's report so that the Secretary of State could satisfy himself that the recommendations and any corollary proposals to which they might lead could be carried out without the amendment of the Government of India Act.

Dealing with the situation in the Central Provinces and Bengal Lord Olivier said he understood that the Governor of Bengal proposed as soon as he could to reintroduce the vote for the Minister's salaries and inspectorate, subject to the carrying out of the recommendations with regard to the retrenchment of the inspectorate and its transference to local bodies. The Viceroy and the Governors of Bengal and the Central Provinces were now considering whether the Governors should exercise their power to suspend or revoke the transfer of subjects. Lord Olivier was of opinion that it was a perfectly reasonable construction of the Government of India Act that a Governor might act in such a matter. In regard to the Punjab, Lord Olivier emphasised the Punjab Government's intention to maintain order while neglecting no means of arriving at a speedy and equitable solution of controversial matters.

Lord Olivier paid tribute to Mr. Das's character and said that Mr. Das appeared to be one of the many Indian publicists who were convinced that no advance could be made in the attainment of self-government except through organised force or secret methods aiming at outrage, in which connection they constantly pointed to the cases in Ireland and Ulster.

Lord Curzon (interrupting) asked whether Lord Olivier was giving his own opinions or the opinions of someone else.

Lord Olivier replied that he was stating the invariable argument used by Indian politicians.

Lord Curzon said that Lord Olivier was giving his own version of motives which he believed actuated a particular section of Indians with a view to condoning Mr. Das's action.

Lord Olivier denied that he was condoning the action of Mr. Das.

Lord Curzon said that he wanted Lord Olivier's own opinion, not his version on motives by which Indians were actuated.

Lord Olivier suggested that Mr. Das believed it expedient that the British public should be a little frightened in regard to what might happen in India if his party's policy was not conceded. Mr. Gandhi and many of Mr. Das's own party had shown very lively indignation on the subject. It was unnecessary for the British Government to assume an attitude of high moral condemnation of Mr. Das as a politician on this account. The operations of secret murder societies were detestable, but they were not in themselves a political force, nor did they ultimately strengthen any political party that dallied with them. The Labour Party had always condemned such forcible methods on ground of their foolishness and futility quite independently of their moral turpitude. Lord Olivier expressed the opinion that Mr. C. R. Das and his associates had been under the delusion that Indian revolutionaries could have frightened the British Government out of their senses by bombing policemen. They must already be beginning to recognise the political wisdom of the advice given by Mr. Ramsay MacDonald, before he took office, to Indian politicians to stand aloof from such insane methods. The incident was only another example of the political simplicity shown in Mr. Das's leadership in the Bengal Council.

Replying to Lord Peel, Lord Olivier said he did not intend to take any action. The question was for the Government of India to decide. Lord Olivier emphasised the political futility of the methods of the Swarajist Party in the Bengal Legislative Council and possibly elsewhere as a means of attaining their immediate ostensible object. Referring to the inquiry into the working of the Reforms, Lord Olivier said that if the Committee found a defect which apparently could not be remedied by any amendment of the Rules or of the Act, without an alteration of the constitution, then the question would arise as to whether any further steps should or ought to have been taken for dealing with the question whether any further constitutional advance could be contemplated. Then and then only would there arise the question as to in what way could such a question be dealt with. Referring to alternative suggestions, Lord Olivier said that His Majesty's Government had not reached any conclusion on any of them. They recognised only the possibility that the result of the inquiry might impose on them the duty of coming to a conclusion with regard to whether or not steps should be taken to re-examine the constitutional position. That would be the position only if it was proved to the satisfaction of the Government of India that there were certain defects or legitimate grounds for complaint in the operation of the Reforms which could not be redressed within the Act without some revision of its provisions.

The House was at this stage adjourned and the debate was resumed on the 31st July, when on the side of Government Lord Chelmsford who was the Labour Leader in the Lords made a long reply to the speech of Lord Curzon, the Leader of the Opposition. On the resumption of the debate—

Lord MESTON expressed the opinion that the new constitution had not so much failed or fallen short of reasonable expectation as that it had never been worked with any pretence to good will by those for whom it was designed. There had been a growing belief in India that the latter no longer required England, and could be made self-supporting. There was a growing distrust among some of our officials, which seemed due to the belief that Simla was giving too much time to small matters, and shutting its eyes on pressing and more important matters. The Government would best serve the interests of peace and real progress, if they made it abundantly clear that the policy adopted by Parliament would be pursued in all essentials. It was our duty to help the party of common-sense in India to the uttermost in their duty, to set themselves to carry out their duties, and to prove their fitness to undertake the responsibility that was offered to them.

Lord INCHCAPE said that he had not proposed to intervene in the debate, but Lord Lee in a speech last week had asked him whether as a purely business proposition, apart from any philanthropy, he had increased the emoluments of his various staffs in India compared to those before the war. He now replied that young men now went out in their business on emoluments considerably higher than those before the war. The expenses of Europeans in India had greatly increased during the last ten or fifteen years, both in the way of food, servants' wages, clothing and railway fares. He was free to admit that the passage rates of the Peninsular and Oriental Steam Navigation Company were higher than before the war owing to the great increase in the running costs. The conditions of life of his European employees in India, living mostly in presidency towns, were altogether different and far more agreeable than those of the bulk of men in the Civil Service. The latter were often banished for long periods to the jungle where the amenities of life were to a great extent absent with very little European society and sometimes none, where there was no electric light and no electric fans and very limited areas in the shape of decent roads, where supplies of good quality were difficult to get. When supplies could be obtained the cost was far greater than in the trading centres. Their wives had to bear the hardships of this banishment in a way which only British women did. They had to suffer in health, lose their looks, see their children pale and pining through the long hot weather, and they had to endure separations torn between love for their husbands and for their children. Those of us who had spent twenty or twenty-five years in the Plains with the thermometer at anything from 85 to 100 during eight months of the year, know what it was to go through a long Indian day. He could assure such people that a benevolent sympathy on the part of commercial employers did exist. They were not tied by any hide-bound

rules as, he admitted, a Government department must necessarily be, and they did have, if he might venture to say so, a certain amount of the milk of human kindness towards those who ground out their corn

The committee over which he had presided last year made proposals for a reduction of expenditure in India, but made no suggestion to reduce the emoluments of Europeans in the various branches of Government service. He believed the reductions they did propose had been carried not practically in their entirety and the finances of the country were now on a sound basis, and India, he was creditably informed, was able to balance her budget and leave something to the good. He said that in the service of the Government of India were no men, so far as his experience went, who were more loyal, more devoted, abler, more hard-working or who had a higher sense of duty than the Europeans in all branches of the service of the Government of India. They had accepted the so-called Reforms in the very best spirit. It would be a fatal blunder, he said, if we fail to treat them with consideration. If we did that, we should not retain them. We would not get the best brains and the highest class of men to go to India—not only to the Civil Service proper, but to all other branches. He entirely agreed with Lord Lee that the time had come to improve the emoluments of European Governments of all classes if they were (as was absolutely essential) to retain and attract the right type of men to enable them to carry on the great and unselfish work with which they were entrusted of governing and administering and developing the Indian Dependency.

In his humble judgment, it would be some time yet before India would be able by herself to carry on the development of the country by means of roads, railways, canals, irrigation, afforestation, sanitation, water supply and the like for which at present the country was entirely indebted to the British. It would be many long days before India would be able to govern herself to the advantage of her dumb millions, and hundred and one diversified races and creeds. If the authority of the Civil Services was undermined, then woe betide the country. (Cheers). Murder, riot and rapine would be rampant, and, as even the late Lord Morley said some years ago, remove the supremacy of the British Raj from India and the population would be at each other's throats. (Cheers).

Lord HARRIS said that the idea that the Hindus and the Mahomedans were going to sit down like lion and lamb was a complete delusion. They had to tell the Indians in plainest terms that they were incapable of governing themselves and protecting themselves from external aggression and internal tumult. He was not thinking of the interests of merchants, but solely of the masses of Indians who would be subjected to discomfort, brutality and tumult if the Britishers hesitated in their task.

Lord AMPHILL said that the only way to anticipate the dreadful necessity of using armed force that would otherwise before long inevitably arise in India was to make it clear that we intended to govern, and support and uphold all those rightly exercising Imperial authority. The Imperial Government should clearly, explicitly and unequivocally declare its intention to adhere to the letter of the Act of 1919, especially the most explicit conditions of Section 41.

Lord PENTLAND suggested that it should be carefully considered whether the electors for the different elected bodies were serving their purpose in truly representing the opinion of India. If the interests of the intelligentsia unduly outweighed agricultural and provincial interests in the Legislative Assembly, that might well be examined within the limits of the present constitution. Also, while a strong Central Government should be maintained, it was of great importance to do everything possible within these limits to make Indians feel it was their own Government, that they were not shut off, and that we were acting as guaranties, maintaining the Central Government for orderly progress towards full responsible government.

A good deal had been heard about misgovernment and the difficulty of government in the Central Provinces and Bengal, but nothing of the provinces in which the Reforms had been worked with credit and in which there was substantial evidence of an honest and loyal intention to work the Reforms, and a considerable measure of sound sense and political judgment had been shown.

The whole of India was not on the same level of political knowledge and achievement or intellectual advancement and he asked whether it was too late to



recognise that If the Government of India was to guide and nurse India to a fuller realisation of self-government, surely it was reasonable that the provinces which worked the machine well should be given opportunities of an extension of the area of that work with proper safeguards. He concluded by saying that it was impossible to take other than a hopeful view of things in India.

Marquess CURZON said that he was glad to note that Lord Olivier considered Lord Lee's proposals regarding concessions to Civil Servants as moderate and reasonable. Lord Curzon paid a warm tribute to the loyalty and the efficiency of the Service, and asked why, since Lord Olivier admitted that the matter was urgent he did not deal with it immediately. Lord Curzon did not gather from the debate that there was an accurate appreciation of the seriousness of the situation in India. He dwelt upon the case of Bengal, and referred ironically to Lord Olivier's description of Mr C R Das last week as a saintly man. He declared that the "noble" ideals of Mr Das consisted in leading a party whose avowed object was to reduce the British Government to contempt, and render all foreign Governments in India impossible, and openly to condone the crime of political murder. He asserted that Lord Olivier's incautious language would encourage a repetition of acts of violence, and told that when there was a recrudescence of that trouble, as there might be shortly, then the speech of Lord Olivier would be pointed to as showing the only way these people could get what they desired. Lord Curzon quoted a telegram to a London newspaper from India, stating it is unnecessary to dot the "I's" of a communication sent by the Governor-General to the Press on Friday, in which His Excellency denies that the Government of India was consulted about the suggestion that Mr C Das should visit England.

Lord Olivier asked what was meant by dotting the "I's"?

Lord Curzon said it appeared that the Governor General thought it necessary to send a communication to the Press.

Lord Olivier replied that if Lord Curzon wished to make anything of that, it was for him to say what was meant by dotting the "I's."

Lord Curzon answered that it appeared, if the newspaper correspondent was correct, that the Government of India was rather alarmed at the suggestion of Mr Das coming here at present with a view to consulting the Secretary of State.

Lord Olivier said there was no foundation for such a suggestion.

Lord Curzon "Then I am surprised that the Government of India has gone out of its way to deny it." Turning to the situation in the Central Provinces and in Bengal, Lord Curzon said that Lord Olivier seemed to think that all that had to be done was for the Government to deal with the matter by executive decree. But, if that action took place there, it would take place elsewhere, and the whole scheme of the Reforms broke down entirely. "We have given India," he said, "a large and generous scheme of reforms. We cannot go back. We must endeavour to make it succeed not only in the provinces where it has already partially succeeded, but in other provinces. He appealed to the Government to stand firm and say how far they were willing to go and not to re-embark on a policy of drift which was a policy not merely of despair, but of destruction."

Lord CHELMSFORD replied on behalf of the Government. He began by expressing his intention of telling the plain unvarnished tale regarding the various issues and of giving the House information regarding the attitude of Government on four points, First, the Lee report, second, the working of the reformed constitution, third, the activities of the revolutionaries, and fourth, the situation in the Punjab. Lord Chelmsford enumerated a series of misfortunes which had dogged all attempts to deal with the problem of the Services, notably, the outbreak of the War and the delay owing to his mistake regarding the treatment of the examination of the Islington Report at a time when he (Lord Chelmsford) had only lately arrived in India. He pointed out, however, that he had profited by his experience later in connection with the Holland report, and immediately directly canvassed the Provincial Governments and after that despatched Government office at Home to get the Secretary of State's sanction to what the Government of India had determined. Lord Chelmsford said that he urged Lord Olivier to endeavour to get a similar expeditious form used regarding the Lee Report.

After remarking incidentally that Lord Peel did not pretend to regard the Lee report as so inspired that we must accept it in every jot and tittle, Lord Chelmsford referred to criticisms of the slowness of working of the Government of India and declared that, when one compared the staffing of a great department in India with a

great department in Whitehall one wondered how any work could really be got through. One was amazed at the efficiency of the work done by the great departments in India

Lord Chelmsford then traced the evolution of the Reforms, which were the logical outcome of Lord Macaulay's famous Minute nearly a century ago leading in the preliminary stages to the Morley-Minto Reforms, which merely created a body of powerless critics, subsequently necessitating the introduction of responsibility—since it was obviously impossible to go straight from the Morley Minto into full Self-government Responsibility was the basis of the great announcement of August, 1917, after which diarchy had become absolutely inevitable

Lord Chelmsford was prepared to argue Lord Curzon's contention that the diarchical system had broken down

He declared that they did not hear anything of the working of the constitution in other provinces than the Central Provinces and Bengal of which they had heard so much that afternoon, because, whatever difficulties arose in those other provinces, they were inseparable from introduction of responsibility. The whole object of offering responsibility was also to afford an opportunity of making mistakes, so he might say that, with the exception of the Central Provinces and Bengal, on the whole the constitution was working.

Even in the case of the Central Provinces the constitution embodied in an Act of Parliament was working. Lord Chelmsford regretted the operation of safeguards in the Central Provinces, but safeguards were intended to see the administration carried on, even though the constitution in its wider form was not carried on

He declared that not a dissimilar position characterised the situation in Bengal. As regards the question whether the position in Bengal was only legal under the theory of emergency, Lord Chelmsford reminded their Lordships of what Lord Olivier said the other day, because the matter could not be left where it stood and Government must explore how far it was possible to meet the situation, even if it continued. Lord Chelmsford endorsed the passage in Lord Peel's speech last week to the effect that if Indian politicians had diverted one tenth of the energies they had shown in obstructing the constitution, India would now be far more advanced on the road of constitutional reform

Dealing with the activities of the Revolutionaries Lord Chelmsford said that it was the policy of the British Government to leave full discretion to the Government on the spot to enforce the law, and the British Government would support them in action they felt it necessary to take in quelling the revolutionary movement. The policy of Government at the present time as regards India could not be better expressed than in the first two paragraphs of Mr Ramsay MacDonald's letter of January 6, published on January 26

Lord Chelmsford added that he wished it was sufficiently realised here how difficult it was at this distance from India to form a sound judgment on some problems like those raised by the utterance of Mr C R Das, which had been so often quoted in that House. Viscount Peel might form an inference from facts before him, and Lord Olivier might from another from what was before him. But the truth was that, when it came to policy, the only people capable of forming a correct inference were the people on the spot with all the facts before them. As regards the criticism of the early days of Non-co-operation that Government took no step to deal with it, Lord Chelmsford said they had got clear advice that there was no sound ground for a prosecution, and the Government could not afford to fail if it instituted proceedings. He pointed out the impossibility of publishing the nature of the advice they had received. They therefore felt it wise to leave the matter to the full discretion of the Government of India

On the subject of the Punjab, Lord Chelmsford read the reply Lord Olivier desired to make to Lord Peel's question whether one of the reasons for the failure of the Birdwood Committee was that the Sikhs made it a condition of assenting to the proposals that the Maharaja of Nabha should be restored to his State. Lord Olivier desired to say that it was true that in an early stage of negotiations some difficulty was experienced about the Shrine Committee's public abandonment of the Nabha agitation, but it did not appear that that was the desired factor in the final stages. Lord Chelmsford dwelt upon the utmost consideration which Government had paid to the Sikhs' religious susceptibilities and anxiety to avoid anything touching the religious aspect, but the Government of the Punjab and the Government

of India were determined to enforce order and peaceful security. He declared that it would be hard to expect Sir Malcolm Hailey at present to launch out in any direction which should be widely different from that pursued by his predecessor until he had held the reins for a longer time, but the policy remained to maintain order and peaceful security by consistent application of the law, while neglecting no means of reaching an equitable solution.

Lord Chelmsford concluded by reading the first two paragraphs of Mr. Ramsay MacDonald's famous letter to the "Hindu" and stated that the whole letter, although written before Mr. MacDonald came into office, embodies the whole substance of the policy of the British Government.

Lord PEEL wound up the debate. He declared that Lord Olivier's statement had disturbed the Government of India from the fact that he took the unusual course of issuing a communique through the Press regarding consultation with Mr C. R. Das. He pointed out that it was not necessary for the whole of the Lee Report to be carried out at the same time, and he urged Lord Olivier to deal with some pledges immediately without waiting until the whole reforms were carried out. That would have an admirable effect on the Services themselves, as an earnest that reforms were to be carried out as a whole.

He concluded by saying that he was unable honestly to say that the reply was satisfactory on many points, but he did not propose to press for papers.

The motion was thereupon withdrawn

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## HOUSE OF COMMONS—AUGUST 1924

Soon after this historic debate Parliament was adjourned for the summer recess. On July 28th only a few questions were asked, but an important announcement was made regarding the East Africa Parliamentary Commission

## East Africa Parliamentary Commission.

The Colonial Secretary, Mr J. H. THOMAS, in reply to a question by Mr. Rhys intimated that the Parliamentary Commission to visit East Africa would consist of

Major the Hon. W Ormsby-Gore, Conservative M P for Stafford and late Under-Secretary for the Colonies, Major A. G. Church, D. S. O., Labor Member for Leayton, and Mr F. C. Linfield, Liberal Member for Bedford.

The Members of the Commission were to embark at Southampton on the 15th August, and visit Northern Rhodesia, Nyasaland, Tanganyika, Uganda and Kenya in the order named. The terms of reference were

"To visit Northern Rhodesia, Nyasaland, Tanganyika, Uganda and Kenya with a view to obtaining as much information as possible in the time available on all subjects covered by the terms of reference to the East Africa Committee, and to report to the Secretary of State on any facts which they may consider have a bearing on the above matters"

## The Colonies Committee

On August 4th another important statement was made by Mr. Thomas. By the end of July the members of the Government of India Colonies Committee had concluded their labours and submitted their recommendations to the Cabinet. The final decision of the Cabinet on the recommendations of this Committee was announced by Mr Thomas as follows —

Mr MILLS asked whether the Secretary of State for Colonies was in a position to make a statement with regard to the representations recently made to him on certain matters affecting Indians in Kenya by the Indian Colonies Committee

Mr THOMAS replying said I will take the subjects in the order raised by the Committee.

(1) *Immigration*. My position is that if the danger ever arises of such an influx of immigrants of whatever class, race, nationality, or character, as may likely be prejudicial to the economic interests of the natives, I hold myself entirely free to take any action which may be necessary. The conflicting statistics, which had been laid before me, have not enabled me to reach a definite conclusion as regards the extent of net Indian immigration. Accordingly steps will be taken to create a statistical department to obtain accurate information with regard to the persons of all races arriving in or departing from Kenya. Meanwhile, the Kenya Immigration Ordinance would not be enacted

(2) *Franchise*. I have given careful consideration to the representations in favour of a common roll, but I am not prepared to resist the conclusion arrived at in the Command Paper (?) 1922 and of July 1923 that "in the special circumstances of Kenya with four diverse communities,

each of which will ultimately require electoral representation, the communal system is the best way to secure fair representation of each and all of these communities."

(3) *Highlands* I consider the Secretary of State for Colonies has no alternative but to continue the pledges, expressed or implied, which had been given in the past, and I can hold out no hope of the policy in the Highlands being reconsidered

(4) *Lowlands* It was proposed to reserve the area in the Lowlands for agricultural immigrants from India. The Committee made it plain that it is averse from any reservation of land for any immigrant race. Subject to that it is suggested that before the applications for land in the Lowland areas are invited, an opportunity should be taken of sending an officer experienced in the Indian settlement and agricultural methods to report on the areas. At present any consideration of the matter is in suspense pending the receipt from the Colony of the reports from the native and agricultural points of view on the areas in question

#### HOUSE OF COMMONS—OCTOBER 1924

Parliament was then adjourned for the long summer recess on August 7th till the 30th September. In October the House had only a few days of sensational sitting during which the Labour Government was defeated by the Conservative-Liberal combination and Mr MacDonald at once decided to appeal to the country. Parliament was accordingly dissolved on October 9th pending the General Election on the 29th. The following questions were asked and answered in the House of Commons immediately before the dissolution of Parliament

On October 6th, Sir Charles YATE asked the Secretary of State for the Home Department if his attention had been drawn to an article headed "Working Women murdered by Imperialism, British Rule in India," which appeared in the Communist organ, the "Worker's Weekly," on September 12, 1924, and whether he had instructed the Director of Public Prosecutions to institute proceedings against this journal

Mr DAVIS The article referred to had not previously been brought to my notice but I am making inquiries

Sir C YATE Has the Hon Gentleman realised that British rule in India has nothing whatever to do with this case, and that the article in question is simply an incentive to people in this country?

Mr. DAVIS I hope the Hon and Gallant Member will allow me to see the article in the first place.

#### Salaries of Bengal Ministers.

Sir Charles YATE asked the Under-Secretary of State for India if he was able to make an official statement as to the position at present obtaining in the Bengal Legislative Council of the vote for the salaries of the Ministers and of the consequent resignation of such Ministers.

Mr RICHARDS The position is that the Governor is himself temporarily administering the Transferred Subjects under the provisions of the Transferred Subjects (Temporary Administration) Rules framed under Section 52 (3) of the Government of India Act.

Mr THURTLÉ then asked him whether his attention had been drawn to letters recently published purporting to be facsimiles of letters written by Ministers of the Bengal Council, which letters indicated the existence of corruption and jobbery in connexion with the affairs of the Bengal Council and whether he proposed to take any action in the matter

Mr RICHARDS I have seen an Indian newspaper containing what apparently purports to be a copy of a letter from an ex-Minister of the Bengal Government Mr Fuzlul Huq, to whom the authorship of the alleged letter is imputed has, according to Press reports, stated in the Bengal Council that he never wrote any such letter, that the letter is not genuine, and that it purports to be addressed to a gentleman who does not exist

#### Lee Recommendations

Sir Charles YATE asked if it is now proposed to bring the recommendations of the Lee Commission into operation without further delay, and whether these recommendations will be adopted in full including those relating to the Medical Service

Mr RICHARDS I am not yet in a position to make any statement on this subject My noble friend the Secretary of State is still in correspondence with the Government of India on certain points, and both he and that Government are desirous that orders on the Report should be issued with the least possible delay

#### British Garrison in India

Sir C YATE drawing attention to the fact that the District Magistrate of Shahjahanpur was compelled to apply for British troops to quell the Hindu-Muslim disturbances, contended that the reduction of British troops was below the pre-war figure and it prevented their meeting all demands for assistance to quell internal disturbances Therefore he asked for a reconsideration of the question of reductions in the strength of the British Garrison in India by the Defence Committee and the authorities concerned

Mr RICHARDS did not accept as a fact the suggestion that the British troops in India were inadequate and said that this was not supported by the information in his possession He answered the question of reconsideration of reductions in the negative

#### Depressed Classes and Swaraj

On October 9th, replying to Sir C Yate, Mr RICHARDS said that he was aware that there had been resolutions and addresses by representatives of the Depressed classes in India drawing attention to the incessant demand for Swaraj by the higher castes, pointing out the danger that if Swaraj was unduly accelerated the last hopes of throwing off the burden of caste domination would be extinguished, and urging an investigation of the conditions of the submerged classes Mr. Richards added that he was not aware whether the committee then in India enquiring into the working of the Government of India Act regarded the consideration of

such appeals within its scope. He said that the question would be referred to them.

Sir C. YATE drew attention to the address to the Viceroy by the All-India Viswakarma Liberal Federation praying for its representation in the Assembly and the Councils, and asked what was being done in that connection.

Mr. RICHARDS replied it would be premature to make a statement on that subject pending the enquiry then proceeding into the working of the present constitution.

On the same day Sir Phillip RICHARDSON drew attention to the fact that Indian service officers enjoyed a smaller increase of pensions in respect of the increased cost of living than British officers compared with 1919, and asked whether both the services would be placed on the same footing in that respect. Mr RICHARDS replied that Lord Olivier in considering the reduction of the Indian service military pensions was taking into account the fact that the increase in 1919 on account of the cost of living was not uniformly the same in both the services.

## The New Parliament—Conservative Government.

*HOUSE OF COMMONS—DECEMBER 1924*

The Labour Government came to an end in November 1924. In the General Election held on the 29th October the Conservatives were returned in a vast majority, 398 Conservatives against 151 Labour and only 40 Liberals. The new Tory Government with Mr Baldwin at the head came into office in November 1924. Lord Birkenhead became the new Secretary of State for India, and Lord Winterton again came back after a year as the Indian Under-Secretary.

Parliament opened on December 2nd. The sittings of the new Parliament before the Christmas vacation were very brief and were mainly occupied with the debate on the King's Address, the policy of the new Government, and the Egyptian tangle which had then come to a crisis. Indian questions were asked on the 15th December and were mainly directed on the Lee recommendations and the Bengal arrests.

On Dec 11th, Mr GATES called attention to the grievances of the Indian recruited European officers of the Engineering Service and wanted to know what they were going to get in the way of overseas pay, leave conditions and all the rest of it. Will the Government adopt paragraph 50 of the Report to give effect to these suggestions? Lord WINTERTON said that memorials from the officers concerned were already under consideration at the India Office. Moreover, he said members of the Indian service of Engineers were having their salaries raised by Rs. 75 per mensem, as recommended by the Commission.

On the 15th Colonel FREMANTLE inquired about the Medical Services and the share they were hoping to get. Mr. Wardlaw MILNE backed him up, and together they insisted on the urgency of this part of the case. Lord WINTERTON did his best to reassure them on the point. No decision had yet been reached, he said, but he hinted that a favourable outcome may be expected from the consideration which

was being given to this aspect of the matter. But this did not satisfy the hon. members who represent the Services. They wanted the Government to fix the earliest possible date for the introduction of the legislation which was necessary to carry out the various recommendations of the Commission, and they urged that an official announcement should be made about the medical branches to enable these to be included in the Bill. Lord WINTERTON told them that a decision would be reached early in the coming year, an announcement would be made when Parliament re-assembled after the Christmas holidays, and the legislation required would be introduced early in the session.

Col. WEDGWOOD then asked How much will it all cost? "About £700,000 a year," answered the Under-Secretary in his most non-chalant manner. Of course, he added, the estimate was a rough one. It may be more and it may be less. It depends on the rate of exchange. The Colonel also urged that full opportunity should be given for discussion.

#### Debate on the Bengal Ordinance

Questions on the Bengal arrests under the new Ordinance were first asked on the 15th December. Messrs Scurr and Thurtle, Labor M.P.s, asked the Under-Secretary if people detained under the new Ordinance would be given a public trial. Earl Winterton replied that Government had no intention of trying them. Mr. Lansbury asked if there was any limit to the time a man might be detained without trial. Earl Winterton replied that there was no limit under the regulation.

On December 17th, replying to Sir Frank Nelson who tried to raise the bogey of European murders in India, Earl Winterton detailed the number of such murders as being 16, and mere attacks on Europeans 22 since January 1st, 1923. These figures included 8 killed and 3 attacked on the N.W. Frontier in attacks on officers in duty etc., as well as political offences. In spite of this however there was a large volume of Labour opinion in the House against the lawlessness of the Bengal Ordinance though it was the Labour Government which was responsible for the new policy in India.

On December 19th, Mr. SCURR moved for the adjournment of the House to draw attention to the Bengal Ordinance. He said that special legislation of this kind had not really achieved the object which the Government had desired. He did not wish to say a word to encourage assassination or terrorism but he expressed the opinion that Government's action would encourage both. He understood that the only charge against the Chief Executive Officer of the Calcutta Corporation was that he had attended a meeting at which there was talk of criminal conspiracy. Mr. Das had also attended the meeting but was not arrested. Surely attendance at a meeting did not prove that anyone had anything to do with conspiracy. The whole effect of the regulations at present was to stir up every considerable anti-British feeling in India.

He urged the Secretary of State for India to bring his influence to bear on the Government of India to alter their policy and take a wiser course as outlined by one of the most distinguished Governors, Lord Willingdon, in his speech at the Colonial Institute on 9th December which deserved a most serious consideration. Such advance as outlined in that speech would lead to cessation of these ideas of terrorism and



anarchy. He did not want the tragedy of Ireland to arise in India. India was at present at cross roads. The policy followed should be one which would make our name great throughout centuries, but the policy of repression meant that India would go from us and would be our enemy.

Earl WINTERTON in his reply agreed that the question had great importance. Mr Scurr was very courageous in raising this matter as he had done in view of the responsibility of the late Government in this matter. Mr Scurr's view was wholly mistaken. Evidently, Mr Scurr had not sufficiently realised the gravity of the situation confronting the Government of India when the Ordinance was promulgated. Mr Scurr would be the last person in the House to sympathise with the real motives and methods of persons against whom the Ordinance was directed. Mr Scurr's kindness and humanity strikingly contrasted with the dark and sinister influences which existed for some time past in certain quarters in Bengal against which this exceptional weapon was directed.

The policy, he continued, which was decided by the Govt of India and the Government of Bengal had been fully accepted by Lord Olivier. He expressed the opinion that Mr Scurr would not accuse Lord Olivier of undue precipitancy. The charge that the Ordinance had encouraged terrorism was very serious and should not be made against either the late or the present Secretary of State of India. It was utterly false and might have far-reaching effects in India and might lead people of slender intelligence there to believe that there was a responsible body of opinion in England which believed that the Government should not take obvious steps to deal with terrorism and intimidation with which if they had not dealt they would gravely fail in their duty. He hoped that Mr Scurr would consider the propriety of withdrawing his charge. Earl Winterton said that Lord Birkenhead had accepted Lord Olivier's decision after most careful consideration and pointed out that Lord Willingdon's speech had nothing to do with the Ordinance but he merely made general remarks on the Government of India.

Mr Scurr interposed and said that if the policy outlined by Lord Willingdon was adopted, it would make ordinances unnecessary.

Earl Winterton, dealing further with the ordinances, pointed out that where there was reasonable certainty that the witnesses would come forward with a sense of security and that conviction would follow, then prosecutions could be held under the ordinary law, but where there was strong presumption that the witnesses would be intimidated and murdered, there could be no recourse to trial in the ordinary courts. Earl Winterton gave examples of cases of treatment of witnesses which, he said, were certainly not going to recur if the Government of India and the Imperial Government could prevent it. He cited *inter alia* the Alipore Conspiracy and Calcutta Bomb Cases in which there was murder of witnesses. Earl Winterton repeated that Lord Olivier was just as much responsible as Lord Birkenhead. He was not prepared to shirk responsibility.

The statement that repression never solved any problem was meaningless. He agreed that mere repression seldom if ever allayed ordinary political agitation, even when it took the extremist form, but as the Viceroy had clearly shown, these exceptional weapons were not

being used against such agitation, but the Government would fail in its duty if it did not rigorously repress methods of murder and terrorism with bombs and revolvers. He paid a tribute to the servants of the King Emperor, both Indian and European in Bengal, especially the police, for carrying out their duties splendidly despite difficulties.

Col WEDGWOOD said he hated coercion, but he hated terrorism more. He thought his friends of the Home Rule movement in India must realise that the cause he and they had at heart was being placed in perilous jeopardy. He knew that the Swarajist Party was not connected with the physical force of the fanatics but if the former had influence over the latter, they should make it clear to them that the cause of Indian democracy depended on the absence of terrorist crime in Bengal.

The discussion was then wound up by Mr. THURTLÉ, who flatly charged the Government of India with using Regulation III and the new Ordinance for the purpose of crippling the legitimate activity of the Swarajist Party, citing the fact that most of the office-bearers and other prominent leaders arrested had been taken under Regulation III which provided for no trial at all, as evidence supporting this view. Much to the annoyance of Lord Winterton, he likened the arrests under Regulation III to the Bastille imprisonments which took place in France in pre-Revolution days under the system of "*lettres de cachet*".

This closes Parliamentary proceedings on India up to the end of 1924

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### The Labour Party & the Bengal Ordinance

The adjournment motion in the House of Commons no doubt fell through, but a special meeting of the British Committee on Indian affairs was held at the House of Commons on the 17th December for the purpose of considering a resolution on the Bengal Ordinance of which Mr Ernest Thurtle, M. P., had given notice. Mr George Lansbury, M. P., presided over a large attendance, which included Lord Olivier and a number of members of Parliament, chiefly drawn from the Labour Party.

Mr. Thurtle's original resolution was a simple but a strong protest against the Ordinance in question, supplemented by a demand that the persons arrested should be brought to trial without delay according to the ordinary process of the law.

It was felt by most of those present, however, after hearing the views of Lord Olivier, that a more reasoned statement of the Committee's objections to the new repressive policy should be placed on record. In course of the discussion, the late Secretary of State defended the Ordinance as necessary. He drew a distinction, however, between this measure and Regulation III of 1818, which he agreed was out of place in any civilised country. He was also disposed to admit that the Ordinance itself was objectionable on general grounds, though he asked them to remember that the need for it arose out of circumstances which were also very objectionable. Evidently the whole business was very distasteful to him, and he only gave his consent reluctantly on the advice of the Viceroy and Lord Lytton who were both men, he said, of a liberal outlook, who would never recommend repression without substantial cause. The situation, he said, which led to the Ordinance was abnormal, they were left with no alternative but the expedient to which they had resorted. Lord Olivier deeply regretted that such a necessity should have arisen, but he felt that the duty of assenting to the Ordinance was forced upon them by circumstances beyond their control.

#### Withdrawal Demanded

The meeting gave full weight to the case advanced by Lord Olivier and discussed it pro and con for about an hour and a half. Ultimately, after various amendments had been considered, a resolution in the following terms was, on the motion of Mr. Thurtle, adopted 'nem con'—

"That this Committee, whilst firmly of opinion that organisations advocating physical force can never secure Swaraj for the people of India, and while disapproving and condemning such organisations, is nevertheless of opinion that such a dangerous and extraordinary measure as the Criminal Law Amendment Ordinance of 1924, which involves a direct invasion upon individual liberty, should not have been enacted without the sanction of the Indian Legislature. This Committee therefore urges the immediate withdrawal of the Ordinance and the trial, if necessary, and in accordance with the ordinary law, of the persons detained under it.

"This Committee further urges that Regulation III of 1818, which gives the Govt powers of arresting and confining persons suspected of public crimes without warrants, without trials, and without statement of reasons for such arrest and confinement, should be forthwith withdrawn."

## Indians in the Dominions & Colonies.

This subject has been pretty exhaustively dealt with in the last two issues of the *Register* (1923 Vol II pp 328-463 & 1924 Vol I pp 297-372) Nothing very important or momentous has occurred since then except the passage of the oft-repeated Natal Boroughs Ordinance and the extinction, *albeit* for the time being, of the Kenya Immigration Bill

### The Colonies Committee

This last achievement stands to the credit of the Indian Colonies Committee This Committee, it will be remembered, was appointed by the Government of India early in 1924 to confer with the Colonial Office, London, in the matter of the policy laid down in the famous White Paper on Kenya issued in July 1923 (see I A R 1923 Vol II, p 363) It was presided over by Mr Hope Simpson, M P, and the members were Messrs Rangachariar and K C Roy of the Assembly and H H Aga Khan, Sir Benjamin Robertson, Sir K G. Gupta and others As originally settled at the Imperial Conference (*ibid.*, p 384) by Dr. Sapru, in agreement with the other representatives except South Africa, the Committee was to have visited Kenya and other places and discussed the matter personally with the men on the spot in case of disagreement But what actually took place was that the Committee left India in March 1924 and began work in England sometime in April It held thirty meetings and had three conferences with Mr Thomas, the Colonial Secretary, and one with the Colonial office at which the Indian viewpoint was presented and problems to be solved were discussed. Their work, the nature of which was kept a secret, was completed on July 14 and the Indian members left England a few days after The visit to Kenya had to be abandoned, for the Kenya administration plainly told the Colonial office that they would not let the Committee touch the soil of Kenya, come what may The extraordinary speech of Governor Coryndon in opening the Kenya Legislative Council in July 1924 was a clear incitement of the White population to defend at any cost the Devonshire policy adumbrated in the White Paper of 1923 Governor Coryndon in fact asked the Whites "to be prepared" for any contingency He misrepresented the Colonial Secretary as having confirmed the decisions of the White Paper when in reality Mr Thomas had said that the 'policy of the uplift of the African which underlay the White Paper was one to which he paid the greatest importance'. But, of course, however tactfully Mr Thomas may couch his statement under the circumstances, the Colonials knew for certain which way the Labor Secretary would bend if matters were brought to a head The final decision of the Colonial Office on the Kenya policy was, however, announced by Mr Secretary Thomas on August 7th in the House of Commons (see p. 321) The net result of the labours of the Colonies Committee was undoubtedly to kill the Immigration Bill (see Vol I p 306), but in other respects the Indian grievances remained unheeded

The question of just and adequate representation of Indians in the Kenya Council remained however where it was, but two Committees and a

Commission were appointed by Mr. Thomas to sit over East African affairs mainly concerning economic questions, and no Indian was appointed on these bodies. The East African Committee was set up in June 1924 to enquire into the method of applying the principle of native trusteeship to Kenya Colony and other portions of East Africa. From the personnel of this large Committee a small Commission of three M. Ps. was sent over to Kenya for local investigation of certain questions. This Commission was presided over by Mr. Ormsby-Gore and was received in a spirit of great hostility by the Kenya Whites. A representation by the Mombasa Indians to this roving Commission is given on p. 333.

#### In the Council of State

In the Council of State, Simla, on September 3 questions were asked about the papers submitted by the Colonies Committee to the Govt of India. The Right Hon Mr. Sastri wanted to know if the Government of India would obtain the consent of all parties concerned to the publication of the correspondence on the subject.

Sir Narasimha Sarma in reply said that Kenya was still a live issue and it would therefore not be possible to obtain such a consent at that moment.

But, Mr Sastri thought, that as Committees and Commissions were to be appointed in respect of affairs in East Africa and other territories, the Government of India should be wide awake and see that the interests of India and her nationals were not given the go by.

Sir Narasimha informed the Council that the Government of India would not keep quiet in the matter. They had achieved one notable result in that the Immigration Bill had been scotched. In other matters they could not achieve the results which they had hoped. But franchise was a live issue and it was open to the Government of India either to accept communal franchise or make a fresh representation. Communal franchise, it appeared, had come to stay and with such a clamour for communal franchise by the Mahomedans and Non-Brahmans within India, it is perhaps difficult to resist a similar demand overseas. But it was not the communal franchise so much as adequate and just representation of the Indian majority in Kenya that mattered. The offer of five seats was too small and an equitable adjustment of the case could be secured only with consistent and persistent pressure.

As regards the Highlands, it was insuperably connected with native development, and native development according to Labor view was then under examination by the Ormsby-Gore Commission.

#### Mr. Thomas in South Africa

Immediately after the August recess of the House of Commons Mr. Thomas, the Colonial Secretary, left England for a tour in South Africa. While there he is reported to have attempted to bring about a non-party non-Asiatic policy. He urged the South African leaders not to treat the Indian question as a local matter but as one involving Imperial interests and he asked for a Round Table Conference to which the Imperial and the Indian Councils should have access, so that they might place the Indian point of view effectively before the party leaders in South Africa. The Natal Indian Congress submitted to him the history of their case as given in the following pages. But nothing came out of his proposal for the Labor party was ousted from office very soon after.

## Representation to the Colonial Secretary

The following is the statement submitted by the Natal Indian Congress to the Rt Hon J H Thomas, P C, Secretary of State for the Colonies.

Sir,—We, the undersigned, for the Natal Indian Congress as representing the British Indian population of the Natal Province, venture hereby respectfully to lay before you a statement of grievances under which that population labours at the present day

### Indian Labor Recruitment

It would be well-nigh impossible to understand the Indian situation presently obtaining within this Province unless the past in a measure be understood. We would therefore crave leave to briefly trace the history of Indian settlement in this outpost of the Empire. More than sixty-four years ago, Sir George Grey, the then Governor of the Cape, paid his first official visit to Natal. The Corporation of Durban presented the distinguished visitor with an Address of Welcome, and if that historic document could now be resurrected from the Municipal archives, it would be found to contain this memorable request: "Independently of measures for developing the labor of our Natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of coolies or other laborers from the East in aid of the new enterprises in the Coast lands, to the success of which sufficient and reliable labor is absolutely essential, for, the fact cannot be too strongly borne in mind that on the success or failure of these rising enterprises depends the advancement of the Colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on a constant supply of labor."

In response to the fervent prayer, Indian laborers landed in the infant Colony on the 16th day of November, 1860, and in view of the centenary, recently celebrated, of European settlement in Natal, it may be observed incidentally that a few years passing, the Indians themselves would celebrate their own "centenary" in South Africa.

### Indians' Invaluable Services.

As stated, British Indians landed on the shores of Natal so far back as in the year 1860, and what that advent has meant to Natal, let one of her own illustrious sons speak. Speaking in the old Natal Legislative Assembly in July, 1908, Sir Liege Hulett thus delivered himself: "The condition of the Colony before the importation of Indian labor was one of gloom, it was one that then and there threatened to extinguish the vitality of the country, and it was only by the Government assisting the importation of labor that the country began at once to thrive. The Coast had been turned to one of the most prosperous parts of South Africa. They could not find in the whole of the Cape and the Transvaal what could be found in the Coast of Natal—10,000 acres of land in plot and in crop—and that was entirely due to the importation of Indians. Durban was absolutely built up on the Indian population." Testimony respecting the worth and value of Indian introduction into this Province might be quoted *ad infinitum*. It is incontrovertible that but for the introduction of Indian labor, Natal would hardly ever have experienced her undoubted prosperity and progress of the present day. Her name of the "Garden Colony" and the "Brighton of South Africa" have been gained for this Province and this town by the Indians and the Indians alone. But times have changed and men and manners have changed, and the man who has, by the sweat of his brow, supplied the essential life blood for the redemption of a primeval wilderness to civilisation stands to-day bereft of the very character of a British citizen.

We would crave your attention to a study of this transformation—how the pioneer Indians, from being subjects of His Majesty the King, with capacity to attain in this part of his realms the fullest stature of citizenship, to-day stand deprived of their capacity.

It will be within the knowledge of the present Imperial Secretary for the Colonies, as also the members of the Empire Parliamentary Delegation, how at the Imperial Conference of Premiers held in London in the year 1921, a resolution according equal citizenship to British Indians in the Dominions was unanimously accepted. South Africa alone dissenting, her rejection of the resolution being expressed 'by no less an authority than the Union ex Premier, the Rt Hon J. C. Smuts.

## INDIANS IN NATAL

## Loss of Indians' Imperial Status

It now remains for us to analyse briefly how one particular representative of this Commonwealth of the Empire has been able, as with one stroke of the pen, to denude the Indian population of this Dominion of the very character and capacity of British subjects. The developments leading to this loss of status by the South African Indians are deeply interesting. South African Indians have for long now existed as independent subjects of the South African Union, not from their own choice, however, but by compulsion. In handing over this sub-continent to South Africans on the consummation of the Union, Great Britain simultaneously passed over her quondam Indian subjects, body and soul, into the keeping of the newly fledged Dominion. The local Indians had no lot part or parcel in the transaction, they being thrown in as a "free gift" with the passage of the South Africa Act. They had no determining voice in their transition from Imperial subjects to subjects of South Africa, their change of status being effected without reference to them or their Government. The stroke of the pen that sanctioned the South Africa Act was also the stroke of the pen that denuded them of their Imperial character. Indians landed in this sub-continent as Imperial subjects in the year 1860, and for 50 years preserved their Imperial character, that is, to the date of the Union. That status should have been considered and set at rest as to the future during the passage of the South Africa Act. The agents engineering the Act through the Imperial Parliament either lost sight of that special community of Indians permanently settled in South Africa, or conveniently avoided the fact of their existence.

Thus it is seen that the British Indians in South Africa, without their voice or view being heard, have been reduced to a condition in an outpost of the Empire wholly without Imperial status by which they were once characterised. And that condition has been further aggravated by the fact that the Indians' own Government, *i.e.*, the Government of India itself, is constitutionally powerless to advocate any measure of protection for the South African Indians. The truth thus brought out applies, of course, to the entire Indian population of South Africa, of which population the bulk is presently settled in the Province of Natal.

Having thus briefly set out the general Indian status throughout the Union, we would now beg leave to an enumeration of the specific grievances and wrongs labored under by that larger population, the Indian settlers of Natal.

## Deprivation of the Franchise

Prior to the year 1896, the Indian population of this Province suffered no special disabilities based upon racial considerations. That fateful year, however, marks the turning point in the history of Indian political progress and advancement in Natal. In that year was introduced the Act No. 8 of 1896 entitled "To amend the Laws relating to franchise," whereby persons not being of European origin or Natives or descendants in the male line of Natives of countries which have not hitherto possessed elective representative institutions founded on the Parliamentary franchise, were prohibited from being placed upon the Parliamentary Roll.

The Indian community even in those early days, sensing untold difficulties to flow in the future by Imperial sanction of a measure so sweeping, presented their united protest both to the local and Home authorities.

The measure, all prayers, petitions and protests notwithstanding, thereafter received the Imperial sanction and was duly promulgated as Law.

The Natal Colony having, by this measure, planted its first poisoned dart into the very vitals of Indian political life, the rest of the Colony's action towards decimating Indian rights and privileges was a matter of the utmost ease. The community having thus swiftly been deprived of its vote and voice, was all too feeble to assert itself in the succeeding assaults launched against it from day to day.

## Restrictions on Trade

The first of such measures was directed against the commercial and economic progress of the Indian community. An act entitled "To amend the Law relating to licenses to wholesale and retail dealers" was passed in the year 1897 as Act No. 18 of that year. Though ostensibly of general application, this measure was administratively exploited to the utter detriment of the Indian community. By its relentless working in relation to Indian traders, that particular section of the Indian community was reduced to a position precarious, commercially,

beyond all reckoning Financially, the Law in its course involved the community in the loss of thousands of pounds sterling in the community's all too vain endeavor to withstand the destructive effects and results of its operation It is but stating mildly to say that since this Law found its place upon the Statute Book, the commercial section of our community has known neither rest nor peace.

#### Wild Cry of "Indian Menace"

The wild cry of the Indian vote swamping the European, which was productive in the year 1896 of the Franchise Law affecting Indians adversely, was raised in later years in an even more exaggerated form when the cry went forth that the Colony was in danger of being swamped by Indian immigration All the facts and figures proving the contrary notwithstanding, the Natal Legislature embarked upon an Immigration Restriction Law which, again, ostensibly of general application, was employed exclusively to largely restrict lawful Indian immigration into the Colony It is not too much to say that the present total exclusion of Indians from the Union finds its *fons et origo* in the un-British Natal Act As the Imperial authorities are only too well aware, Indian immigration to this outpost of the King Emperor's realms has ceased in fact and in truth, constituting a strange commentary upon the loud principle of equal freedom and liberty for all people within the Empire

Indian immigration having thus been definitely excluded, one would have thought that the Indians might count upon a period of rest and respite But the fates would appear to have ordered otherwise It was now decreed, that as the numbers of the Indian population had been settled, then progress as a people should be circumscribed With this obvious intention, various measures, all having for their object the ultimate emasculation of the Indian community were from time to time promulgated Reference must now once again be made to the subject of immigration under the general law, by virtue whereof subsidiary enactments and ministerial pronouncements have been made One result of the general law has been the prevention of inter-provincial migration, which facility had always been assured to Indians previous to the Union Immigration Law This restriction of large numbers of Indians to their respective Provinces has, as can be readily seen, brought with it its own train of evils, the chief of which, it may be mentioned, was the appearance of the increase of the Indian population in the Natal Province, which congestion would never have resulted, had the Indian community been afforded the facility for natural expansion and internal migration It would thus be seen that the cry of European Natal, and indeed of the Union generally, as regards the congestion of Indians, is that of the wolf and the lamb drinking at the stream. It is a result of the conscious action of Europeans that Indians have become congested in the Natal Province, and yet the unreasoning cry is that the Indian population in Natal is increasing in measure and volume to the danger point of swamping the white community Thus instances could be multiplied of the Europeans having first created a grave problem and thereafter laying the charge at the door of the Indian community

#### "Indians Unsuitable to the Union"

We have said a moment ago that grave enactments and declarations have flowed from the general Immigration Law One such Ministerial declaration is the extraordinary one that all Indians are unsuitable on economic grounds to the requirements of the Union, which declaration, if words have any meaning, can only be interpreted to mean that the 350 millions of India, constituting three fourths of the Empire's population are devoid of the moral and social virtues wherefore persons other than Indians have been accepted as members of the social fabric of South Africa (Vide Ministerial Order, "4 (1)" reading, "Any such person as is described in any paragraph of the subsection who enters or is found within the Union, or who, though lawfully resident in one Province, enters or is found in another Province in which he is not lawfully resident, shall be a prohibited immigrant in respect of the Union or of that other province (as the case may be), that is to say—(a) any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuitable to the requirements of the Union or any particular Province thereof")

#### Destruction of Indian rights

As illustrative of the policy of destruction of Indian interests by the ruling



authority might now be adduced the "Durban Land Alienation Ordinance, 1923," passed by the Natal Provincial Council. This measure carries one step further the avowed European policy of circumscribing Indian rights. The measure unreservedly places in the hands of the Town Councils the power to dispose of Borough lands at the whim and fancy of such Councils to Europeans, Indians and Natives, whether in freehold or leasehold. Practical working of such discretionary powers have sufficiently testified in the past that Indian rights invariably suffer if, as a fact, such rights are not even sacrificed in the interests of Europeans. It need hardly be observed that under the powers assured to Town Councils by this law, it would be competent for the authorities to declare categorically that no land was available for Indian occupation within a Municipal Borough. The deliberate announcement made by a Committee appointed in Durban a while ago to inquire into this and germane matters, was that within the whole spacious area of the Durban Borough, about one and a half acres were available for Indian occupation. Evidence of the employment of discretionary powers to the utter detriment of Indian rights could hardly be more conclusive.

#### An Un-Christian and Un-British Measure

We would now come to what is without doubt the most unconscionable departure on the part of the authorities for the annihilation of Indian claims and dues, nay, for the destruction of their very self-respect. The Boroughs Ordinance, No 18 of 1924, passed by the Natal Provincial Council and now awaiting the sanction of the Governor-General in Council is, it is stated with every sense of responsibility, the last word in un-British legislation. It is difficult to conceive how representatives of the British race, with their instinctive traditions for fair and even dealing as between man and man, could so far forget themselves and all that their race stands for as to associate themselves with a measure at once so un-Christian and so un-British. A detailed analysis of this measure has been prepared for the information of the Union Government, but we would content ourselves here by alluding to just one or two of its deplorable features. Indians within the Municipal Boroughs, possessing the required qualifications, might, before this Law, claim to be placed, in common with other sections, upon the Burgess Roll. This right had accrued to, and was claimable by Indians from the very beginning of municipal life within the Borough of Durban. The Ordinance now demands that no further Indians be placed on the Burgess Roll as and from the first day of July, 1924, the naked truth of which provision being that a right which existed for the Indian community decades past is denied to them by this Ordinance as with a stroke of the pen. Thus, the declared policy of the authorities would appear to be one not only for the denial of future rights, but the even more grievous wrong of taking away the existing rights. It would be difficult to discover in all the pages of British Colonial expansion an act of spoliation more deliberate and unconscionable.

A second feature of this same Ordinance is the plenary discretion which it confers upon trade licensing authorities. We have declared already how discretionary powers vested in the authorities have invariably been employed to the undermining of Indian interests. And it is but labelling an obvious truth to say, the Bill becoming Law, such discretionary powers would be used relentlessly against the Indian community.

It may here be introduced incidentally that a short while previously to the introduction of the Boroughs Ordinance, a measure less unjust, having for its object the elimination of Indian franchise rights in the various Townships was thrice introduced into the Provincial Council and as often rejected by the Governor-in-Council.

We have observed in this connection that a detailed analysis of the Boroughs Ordinance had been prepared for consideration of the Governor-General and we feel that we cannot do better than append hereto that communication in extenso for your own enlightenment and information.

#### Public Health Ordinance

Our next reference would be to the Public Health Ordinance passed by the Natal Provincial Council and now duly promulgated as law. Under the provisions of the Public Health Act of the Union, Provincial Administrators have had conferred upon them powers for administering the requirements of that Act. But the local Ordinance, although a child of the Parent Act, confers upon the Administrators powers whereby these officials appoint Committees to carry out pro-

visions. Since the personnel of these Committees is to be recruited from the body of the Parliamentary voters, and since Indian residents do not exercise such rights, the latter perforce cannot find their way to such Committees. The inevitable result would be that a Committee of interested Europeans would have within the palm of their hands the fate and destiny of the entire Indian community.

#### Imperial Government's "Betrayal"

We do not desire to increase the length of this statement by enumeration of our numerous other wrongs and grievances. The above list would sufficiently lay bare the existing situation as affecting the Indian community and the dark dangers looming before them for the near future. Sufficient has been said, however, to show that the South African Indians exist to-day wholly without a protecting arm. Nothing more pathetic and hopeless could be discovered in all the history of British Colonial expansion than the abandonment of the South African Indians by the Imperial Government, a betrayal of a sacred trust at the behest of white settlers. The abandonment is a weak concession to the clamor of the white Colonists, nay it is more, it is by way of sacrificing the very birth right of those not of your own flesh and blood for the happiness of your own kith and kin, for it need hardly be emphasised that if the South African Indian community had been a white community instead, that community would labor under no such grievances as above, but being a people without vote or voice in Imperial affairs, that incapacity has provided the way, as it were, for the Imperial Authorities to abandon us to our fate in this land with such consummate ease. Such Imperial conduct appears as strange fulfilment of the great Indian *Magna Charta*, the Indian Proclamation of 1885 issued by that truly Imperial Sovereign, Queen Victoria of blessed memory. "We hold ourselves bound to the natives of our Indian territories by the same obligation of duty that bind us to all our other subjects and those obligations, by the blessing of God, we shall faithfully and conscientiously fulfil."

It should not be difficult to see in the light of this Indian situation in South Africa how one of the greatest Charters granted by Great Britain has been reduced to something less than the proverbial 'scrap of paper'. We would say that the Indian peoples of this Empire are ruled not by the sword but by their own faith, hope and trust, and it speaks volumes for the sincerity of those virtues when, in the face of the greatest betrayal which the Indian Empire has ever known, Indians all the world over can yet look to their King-Emperor with respect and veneration.

#### Duty of the Imperial Government

In conclusion, we venture to request that you, sir, may be pleased to convey these, our sentiments, to the members of the Imperial Cabinet and to place before that august body, particulars as embodied in the present statement. We are only too painfully aware that the British Ministry is wholly powerless to rally to our rescue by any direct action. But a few years ago, the Imperial Government could give us any and every protection. To-day they are powerless to raise a finger in the interests of their once Indian charges in South Africa. While, as a result of this complete helplessness of Great Britain, South African Indians stand on the brink of their death and destruction, the Imperial authorities must endeavour to justify their unenviable position. What the future of the Indian community is to be, no one can tell, but if the past and the present serve as a guide to the future, then years need not elapse before a large and important community, settled well over half a century in this sub-continent, is faced with total annihilation, or what remains of that community is reduced to a race of despised and dejected children of political helotage.

### The Mombasa Indian Association Deputation.

The following is the memorandum submitted by the Mombasa Indian Association to the East Africa Parliamentary Commission in December 1924

Sir,—On behalf of the Indian Community of Mombasa we, the undersigned, have the honour to put before you the following subjects for the consideration of the Commission

The first and the most important subject to our mind is the subject of EDUCATION. It will be useful to know what the Local Government had allotted for the education of the Kenya children, and we, therefore, take this opportunity to show the educational vote which is as under —

Community.	Population	Govt. Vote.	Amount per 100 persons.
European	... 9,000	£24,000	£266,666
Indians	.. 22,822	£11,675	£ 50,760
Natives	. 30,00,000	£37,000	£ 1,233

This will show you clearly how the education of our community is practically ignored by the Local Government. There are about 700 school-going-age Indian children in the whole country, but many of them cannot get any education for want of schools only. At the same time the Local Government has not made any provision for the poorer classes of Indian children, who are being denied the benefits of education simply by the pretence of lack of funds. The school fees are so high as to make it impossible for the ordinary parents to send their children to school although the parents and the children are very anxious for the education. There is no provision at all for the higher and technical education and we beg to emphasise the fact that technical education is very essential for the economic interests of this country. It is advisable both economically and socially to have one central school in Mombasa and one in Nairobi for the higher education of school-going boys of different communities (i.e., for Europeans, Indians and Natives) residing in this country. The Local Government has not at all provided for education of Indian Girls, of course there are three girls' schools in Mombasa getting very small and insufficient Government grants. But in our opinion it is absolutely necessary that one Government Girls' school with properly qualified female staff should immediately be provided for. Lastly we beg to state that the School Committees, as at present constituted, should be given wider powers in the management and advancement of the Indian education.

There are areas in the Town known as the Kibokoni and the Bondeni, which areas get flooded in the monsoon as there is no drainage system to carry away the rainy water. Thus the huge amount of stagnant and collected water does an incalculable amount of injury to the buildings situated in these areas and the roads of the said areas become impassable, and during these season these areas, which amount to many acres with a very thick population, are full of mosquito breeding pools, rendering the said areas perfectly insanitary. Every time drainage has been suggested, passed and budgetted but the Local Government has not sanctioned same under one pretext or the other. In

order to make this island sanitary we consider that the whole area should be properly guttered and steps should immediately be taken for the purpose

For this growing township, which is the gate-way of Kenya, Uganda and a portion of the Tanganyika Territory there is an immediate necessity of a Municipality in order to effectually and efficiently look after, manage, and superintend the local needs. Roads, drains, lightings, recreation grounds and the difficulties of congested areas in the town cannot be adequately dealt with unless the interests of the various tax-paying communities are properly and effectively represented on such a body as the Municipality. The proposed Town Planning Scheme and the opening of Docks, and improved trade conditions of this country as a whole make it imperative to have this island properly administered in regard to the local needs.

The Town Planning Scheme for a part of this island is being discussed at present and is being supported by the Local Government. While we sympathise with the principles of the Town Planning Scheme and realise the necessity of the development of the open part for cheap sanitary areas for the growing requirements, we feel that in details it seriously affects the landholders of the island. Firstly they have got a genuine grievance in regard to the twenty-five per cent of their land being taken away by the government without giving any compensation. It is to be noted that on the island the value of the land is potential than real, and every inch of land is valuable whether there is a Town Plan or not, in conjunction with the prosperity of the whole country. Secondly, they have to pay taxation in the form of Unimproved Site Tax towards the payment of interest of the intended loan. Thirdly, there is no committee or council representing adequately and effectively the various interests in this land.

We strongly support the native production in this country and particularly the cotton growing in the areas most suitable for the said crop. The native production and the native economic prosperity only will materially increase the trade and commerce of this country, ultimately resulting in the swifter development of this growing country and its economic advancement. Cotton growing in Uganda has materially improved the trade of this country and the comparison of the export and import figures from the Customs Report will support this contention. The Cotton production in Uganda had proportionately increased the consumption of manufactured articles from outside and has brought home the natives, in our opinion, the facilities and enlightenments of the twentieth century. The question of the native getting indolent, etc., is a cry of these persons who have desire to keep them in subjection and in the same uncivilised condition, wishing them (the natives) to work as labourers and menials only. The mental attitude of the natives in this connection can be greatly improved by imparting them good education. The effect of cotton growing will be very great on the commerce of this country and we strongly support the cotton growing by the natives, who should at the same time be encouraged to produce other crops. From our experience we can emphatically say that if the labourers are well treated and properly looked after they will come out of their reserves to work for others in sufficient numbers.

As stated above you will be pleased to see that the Educational

vote for the natives is not only inadequate but absolutely poor. Out of this vote a substantial amount is being given to the various missions even where the natives have the absolutely rare chances of getting any good education the non-christian natives have still rarer opportunities of getting benefits of education.

The Native Hut and Poll Tax is a very heavy tax upon the natives of the country and in our opinion the removing of this direct taxation will not only improve the economic conditions of the natives but will also result in the moral prosperity of this country. We also beg to express our opinion that the natives do not get proportionate benefits out of the taxes paid by them.

The provisions of the Natives Registration Ordinance and Masters and Servants Ordinance are very strict and at every step the natives are under the fear of criminal punishment and fine. The Collective Punishment Ordinance 1909-10, the Masters and Servants Ordinance and the Natives Registration Ordinance require immediate repealing, as they affect, in our opinion, injuriously upon the natives.

In conclusion, we hope that you will be pleased to recommend the redress of the grievances above referred to.

#### The Hon'ble Mr Ormsby-Gore's Reply

The Hon'ble Mr Ormsby-Gore, Chairman of the Parliamentary Commission, in replying stated that the Government was then not in a position to give higher education, and the respective communities should help in the education of the boys of their own race. Mr Gore was in favour of granting scholarships but the shortage of funds came in the way. As regards technical education, Mr Gore stated that no other communities but the natives were given technical education and he was not inclined to take the Indians up in the technical education.

As regards the question of commerce, Mr Gore agreed with practically all that was stated and said that steps will be taken. He also stated that it will be very difficult for the colonists to get sufficient labour. He agreed to build roads and communications between various parts on the coast. He questioned the Indian Deputations why the Indian Community was not taking up the low-lands where, he contended, that the climate was best suited to the Indians only as Europeans could not put up there.

Mr Gore was not in favour of Native Registration Ordinance and he stated that although they had come there they had to carry their passports in their pockets. As regards the Masters and Servants Ordinance, Mr. Gore opined that there was an absolute necessity of the Ordinance and the neighbouring countries were adopting similar legislations. This Ordinance was desirable, Mr Gore stated, as the natives could not be wrongfully arrested for offences under the Criminal Law as there was no better way of identification. The Kipande (Registration Certificate) was the real protection for the natives. Of course he agreed that there was difference of opinion as regards the humanitarian point of view which stated that this was slavery. Registration, he said, had two sides and both were equally right, but in view of the circumstances he could not see his way to recommend abolishing the Ordinance but was in favour of granting exemptions in cases which needed them.

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## Indians in South Africa

The position of Indians in the Union of South Africa has been fully discussed in the Register 1923 Vol. II pp 443—62 and in the first number of the Quarterly 1924 pp. 337—352. In the beginning of the year the Class Areas Bill was the great theme of agitation but with the fall of Genl Smuts, this bill was scotched. Early in August however news reached India that the Natal Boroughs Ordinance disenfranchising Indians in Natal Municipalities had been passed by the Provincial Council. This, it will be remembered, is an old measure that had been suspended during the period of discussion of the Class Areas Bill, but when that Bill was scrapped owing to the fall of General Smuts' Govt (since officially withdrawn by the Hertzog Government) it was revived about the beginning of May last. It was the same as the Huelett Ordinance which sought to amend the local township law with the object of enacting that "no male person shall be placed on the Town Roll who is not entitled to be placed on the Parliamentary Voters' Roll." The Provincial Council passed this ordinance now for the fourth time, it having been vetoed by the Governor-General on each of the previous three occasions. The consideration of the ordinance on the last occasion was suspended only on the earnest advice of the Chairman.

It was a great blow to the Indians in Natal, for it sought to deprive them of their municipal franchise. The Indians had been guaranteed the permanence of the Municipal franchise when they were deprived of parliamentary franchise, in 1896 and the present ordinance laid down that no person should hold the Municipal franchise who was not entitled to exercise the parliamentary franchise. The Natal Indians therefore had to give up a right which they had long exercised. It implied not merely a political and civic degradation, but also a great danger to the trading rights the Indians then possessed. The exercise of the Municipal franchise had in great part been a help to them in defending their trading rights from the encroachments of White selfishness and jealousy. Now that this safeguard has been pulled down, it is only a question of time for the other rights and we may before long expect to see the Natal Indians being squeezed into practical slavery or extinction. That is the grave position which the passing of the Huelett Ordinance implies.

Final sanction to the ordinance was given by the Governor-General-in-Council of the Union of South Africa in the middle of December 1924. Instant opposition was however made by the Indians and the South African Indian Congress representing the Cape-Natal and the Transvaal Indians passed a resolution strongly protesting against the Ordinance and endorsing the Durban Indians' action in declaring that, failing successful appeal to the Privy Council, Indians in South Africa will have no option but to embark on passive resistance.

### In the Union Parliament

The matter was also carried to the Union Parliament. In August 1924 the Indian question was raised in the South African House of Assembly by Mr Marwick, a Natal Member, who introduced a resolution

requesting the Government to bring forward legislation against the Asiatics. His motion was in the following terms —

"That this House requests the Government to take into consideration the desirability of introducing, during the next ensuing session of Parliament, legislation to provide for—

(1) The setting apart of distinct and separate urban areas in the Natal and Transvaal Provinces for the exclusive occupation of Asiatics for trading or residential purposes, and the prohibition of the residence or trading of Asiatics in any portion of an urban area.

(2) The exercise of the right by land-owners in any magisterial district of the Natal Province to determine, after a public meeting called by the magistrate, at which two-thirds of the landowners shall have voted in support of a resolution opposing land tenure by Asiatics in such districts, that all land titles registered in favour of Europeans in such districts shall from henceforth bear an endorsement prohibiting any Asiatic from acquiring or leasing any of the land so registered in such districts at any date

(3) The prohibition, under severe penalty, of the employment of European women by Asiatics

(4) The prohibition, under severe penalty, of the employment by Europeans of Asiatics in positions in which European men or women are employed under the orders of Asiatics, and

(5) The enabling of the Natal and Transvaal Provincial Councils to pass legislation that no further trading licences shall be issued to Asiatics, excepting for an Asiatic trading area, and that no transfer of existing trading licences shall be permitted from one Asiatic to another, or from a European to an Asiatic, excepting in prescribed Asiatic trading areas, and that no Asiatic shall be allowed to trade under the name or style or firm of a European, and that the trading licence of any Asiatic who becomes insolvent or compounds with his creditors shall be cancelled"

To this motion the Labourite, Mr Rayburn, moved an amendment which ran as follows

"This House, recognising that the unequal competition of low-paid Asiatic workers is steadily ousting the European wages and salary earners in Natal and elsewhere in the Union, and that the like competition is now acutely felt by the working and other classes of the Union, requests the Government to consider the advisability of introducing legislation enabling the Provincial Councils to make provision for the working and residential separation of the Asiatics, the establishment of a minimum wages based on European standards, and the observance by the Asiatics of such standards, as well as to prevent unfair competition with the Europeans, and to make the necessary financial provision which will ensure the greater emigration of Asiatics."

The debate was adjourned after the House listened to the speech of the Minister of the Interior, Dr. Malan. He did not criticise the proposals of the movers of the resolution and the amendment. On the other hand, he said that with regard to the Asiatic question there was "only one possible standpoint," evidently the European standpoint, but the Government wanted a free hand in investigating the problem. He felt that the whole Asiatic question was assuming a more acute

form every day and so the Government would introduce legislation as soon as it was expedient to do so. His speech showed that he was substantially in accord with the previous speakers. The Minister of Interior announced that, with a view to speeding up "voluntary" repatriation, he was increasing the inducements offered to emigrating Indians and their families and getting recruiting officers to try to induce them to return to India. Dr. Malan's speech did not give any idea as to the trend of the Government's views on the other points suggested. He only made it clear that it was in sympathy with those who were of opinion that the Asiatic "menace to the white civilisation in South Africa" should be rigorously checked, and was contemplating the introduction of considered measures at an early date. With that view the Government had "reserved" the Boroughs Ordinance unanimously carried by the Natal Provincial Council. The only other point made by the Minister was that such legislation affecting Asiatics should not be passed by the Provincial Councils, but by the Union Legislature as it affected "our international relations".

The adjournment of the debate, however, did not mean any postponement of the measure passed in the Natal Provincial Council, which, as mentioned before, received the assent of the Governor-General in Council in December 1924.

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### The Tanganyika Ordinance

Mention has been made in the Register 1923 Vol II (p 340) of the ordinances passed in the Tanganyika territory affecting the trading interests of Indians. Representations made to the Colonial Secretary in 1923 did not bear any fruit. On the Labor party coming into power further representations were made to Mr. Secretary Thomas, especially by the Indian Colonies Committee. In response to this the following memorandum on the subject was issued by the Colonial Office in 1924 —

#### The Memorandum

"The requirement that 'sufficient books of account' should be kept in English or in Swahili in English characters was exhaustively examined at the time of the visit of the Indian delegation last year, and the delegation were informed in a letter sent to them by the direction of the Duke of Devonshire on June 16th, 1923, of the decision of the Secretary of State. The decision was as follows —

"The Secretary of State has ascertained that as regards the large Indian firms in the territory no hardship will be involved in the obligation to keep 'sufficient books of account' in English or in Swahili and as regards the small traders it appears that a large proportion of them already make out their bills in intelligible (if accurate) English, and that the great majority are similar with Swahili. His Grace has, however, come to the conclusion that it is desirable to introduce an amendment into the Trades Licensing Ordinance which will have the effect of relieving the small traders from the language obligation. The suggestion that the difficulty might be overcome by allowing the accounts to be submitted in Gujarati and that the Government should engage one or two persons familiar with the language



to examine them, has been considered, but this is not regarded as practicable solution because the traders are scattered all over the Territory thus rendering it impossible, without the engagement of a very large number of interpreters, to ensure the proper examination of the books. The Secretary of State has, therefore, decided that the small traders should be altogether exempted from the language requirements of the ordinance, and for this purpose a 'small trader' may be taken to mean one whose profits are estimated not to exceed 2,000 shillings in the year covered by the licence. As a further concession in this direction the delay of one year now provided before the language provision comes into force will be extended to three years."

"It is therefore evident that the deputation were fully aware of the extent to which the 'language requirements' provisions would be amended. As a matter of fact, the definition of a small traders (and exemption from the language requirement) has been extended to anyone whose profits have not exceeded 3,000 (instead of 2,000) shillings in the year, a very considerable concession beyond what was contemplated when the deputation was in England. The operation of the 'language requirements' has also been delayed for three years (instead of one) as promised in the passage quoted above. French has been added to English and Swahili as a language in which accounts may be rendered for the purposes of the Trades Licensing Ordinance.

"The possible grievances of pedlars (which were dwelt upon by the deputation, although there are very few Indian pedlars in Tanganyika Territory) have been removed by the exemption of all pedlars from liability to profit tax. The representations of the deputation have also been met in several other respects —

'1 All 'professions' and not only certain specified professions have been exempted from the profits tax and Trades Licensing Ordinances.

'2. All small traders (persons whose profits do not exceed 3,000 shillings in the year) are exempted from profits tax.

'3 The provisions providing for relief in respect of United Kingdom income tax have been omitted in order to obviate any appearance of preferential treatment to any class of the community.

'4. Provisions empowering the police to inspect pedlars' packs and to arrest pedlars refusing to allow such inspection have been removed from the Pedlars' and Live Stock Dealers' Ordinance.

'5 A provision empowering the Governor to prohibit trading in specified areas has been removed from the Trades Licensing Ordinances.

"It is submitted that the amendments effected in the legislation represent substantial improvements from the point of view of the Indian traders, and carry out all the undertakings given to the deputation in June last. As regards the 'language requirement' it has been shown that the definition of a 'small trader' has been extended beyond what was first advised in the letter quoted above. The requirement will not come into force until April 1st 1926, and it should be noted that there is nothing to prevent traders keeping their ordinary accounts in any language they please."

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## Indians in Fiji.

The position of Indians in other parts of the Empire have been thoroughly explained in earlier issues of the Register and nothing new has happened in the course of the year 1924. In Fiji there are about 60,000 natives of Fiji and 60,000 Indians, and there are a very few White settlers. The natives of the Colony are in the main small landholders. They do not engage very much in manual labour outside of the lands that they own. They are not very enterprising and certainly there is no economic pressure upon them to go and find labor outside their own lands. The White settlers have gone there and have taken up large plots of land which they are developing for sugar cultivation. They have not been able to do that work without the employment of non-White labor. Not being able to get that labor locally they have been in the habit, until quite recently, of indenting upon India for cheap labor. The result has been that large numbers of Indians have gone there from time to time. Some of the European planters have organised themselves into great industrial corporations of which the Colonial Sugar Refineries with its headquarters in Australia is the greatest and the most powerful. But the economic condition of the Indian laborers has not advanced proportionately with the industrial strength of these great White Corporations. The result has been great distress and trouble to the Indian population. Some time ago there were great strikes throughout the island, because the people felt that they were not getting living wages and because attempts were made to oblige them to live on wages which did not give them an opportunity of living as self-respecting and decent people. When representations were made, some slight improvements were effected, but nothing satisfactory. When Dr S K Datta, a Member of the Legislative Assembly, went there sometime ago, he found the economic and social position of the Indians very unsatisfactory. There had previously gone there in 1922 an official delegation consisting of one official and three non-official Indians. This delegation made a report which has never yet been published here, and when Dr Datta went there, he found that the position had not substantially improved from the time that the delegation left the Colony. The position was also indicated by the fact that the only Indian who was a Member of the Legislative Council of Fiji—he was a nominated Member—had resigned his position as Member of the Council as a protest against the Poll Tax that had been imposed nominally upon the entire alien population of Fiji, but really intended to bring economic pressure upon Indians so as to compel them to contribute more largely to the taxation of the Colony. That is openly admitted by the official spokesman on behalf of the Poll Tax Bill. There was great deal of fresh distress as a consequence of this measure. The latest news is that so far as representation in the Legislature is concerned, there is still doubt as to whether it is to be on the basis of a common franchise or upon the basis of a communal franchise. The European settlers do not want a common franchise, for the time being, the question has been decided against Indians.

Readers of the Register would remember the humiliations to which

Indians in Fiji were subjected during the Martial Law days in Fiji, when more than two hundred Indians, men and women, were imprisoned, four Indians including Mr and Mrs Manlal were deported and one was killed and many were wounded. This was in the beginning of the year 1920. The Government of India was asked to send a commission of enquiry to investigate into the causes of these disturbances, but they refused to do so. They did not even press the India Office for an independent enquiry. Sir George Baines then said definitely that the Govt of India did not think that they would be justified in pressing for an independent enquiry. Nearly three years ago the Govt. of India sent a Commission to Fiji Islands to enquire into the condition of Indians resident there and to ascertain the causes of discontent among them. The Commission visited the Islands in the beginning of the year 1922 and submitted a report of their enquiry to the Indian Government in September 1922. In the last session of the Legislative Assembly, Mr Gaya Prasad Sinha asked the Government of India some questions about this report. Mr J. W. Bore replying on behalf of the Government said that the question of publication was still under consideration and he requested Mr Sinha not to press for an answer. The fact is that the Colonial Office has stood in the way of the Govt of India from publishing the report of its own Commission. For, is not the Govt of India only a "subordinate branch" of the British Imperial administration?

### In New Zealand & Australia.

In New Zealand there are virtually no disabilities imposed upon the resident Indian population. There is no disability of permanent emigration. There Indians have the common franchise. In Australia, Indians have the franchise in several of the Provinces except in one or two of them, and in those States where Indians have franchise they have the Commonwealth franchise. There are one or two small measures—statutory matters—in which Indians are placed at a disadvantage. These matters were brought to the notice of the Australian Government by Mr Sastri when he went out there, and are still under consideration. Some of them have been remedied. The whole of them have not yet been remedied, and as Mr Sastri pointed out at the time, until those disabilities were removed we will have to be constantly pressing the matter upon the attention of the State Councils and the Commonwealth Councils in Australia. Very much the same applies to Canada, where in eight of the nine Provinces Indians have the Provincial franchise and also the Dominion franchise. But in the 9th Province, British Columbia, Indians have not the Provincial franchise and, therefore, have not the Dominion franchise. There is a little greater difficulty in Canada than in Australia, for wholly local reasons.

### In British Guiana.

We had recently here a delegation from British Guiana, as mentioned in Vol. I p. 353, consisting of a gentleman who occupies the office

of Attorney-General (Sir Joseph Numan) of that Colony and of an Indian gentleman (Mr. Luckhoo) who is a King's Counsel of that Colony and who has for long been very closely associated with the Attorney-General. This delegation came here in order to propagate a Colonisation Scheme as given in Vol. I. When the Govt of India delegation headed by Dewan Bahadur P. Kesava Pillai went there and made investigations, it sent back two reports, one was signed by Mr. Kesava Pillai and Mr. Tiwari of the Servants of India Society, and the minority report was signed by Mr. Keatinge who was formerly an official of the Bombay Presidency. The proposal of the Colonisation Scheme was really a labor scheme in disguise. What was really wanted was the emigration of large numbers of laborers from India. The bait was temptingly held out that whereas you have to-day in British Guiana 40 per cent Indian population and 60 per cent non-Indian population, if you send 20,000 Indians you will convert this 40 per cent into a majority and you will have an Indian Colony! The propaganda however was timely checked and the tactics fully exposed mainly through the efforts of Messrs. Pillai and Tiwari.

### Indians in Malaya

There remains now only three minor places where there is any considerable number of Indian emigrants. There are something like 350,000 Indians in Malaya including the Strait settlements. Mr. Andrews who had been there in July 1924 says that since his last visit the position of the Indian population has been very much improved, the treatment is better and the outlook is better. There is left however still room for improvement, particularly on the question of wages. A minimum wages is being advocated by Mr. Andrews, and also in the direction of better steamship accommodation. Mr. Andrews who may safely be regarded as expressing an expert opinion on this subject strongly feels that the time has come already—if not now, in the near future it will come—that if Malaya is to have labor from India, it would get only by improving still further the local conditions so effectively that Indians will feel that Malaya was simply another part of India, so far as actual social and other conditions are concerned, and that the expenditure of energy and enterprise and the sacrifice of home-life will be compensated by the added advantages that they may have there. There seems to be no great political disability amongst the emigrants.

### In Ceylon

In Ceylon there is a very large Indian labor population. For some hundreds of years there has been emigration from India to Ceylon of a general type. There is an old established domiciled Indian population who are recruited to the tea, rubber and other estates in Ceylon. Labor legislation for Ceylon and Malay is now on the anvil of the Govt. of India.

### **In Mauritius.**

In Mauritius there is an Indian population of about 40,000. On the whole the Indians there are prosperous and well-to-do. Unfortunately they are completely lacking in public spirit, and the result is that so far no Indian has submitted himself for election to the Legislative Council and no Indian has in fact been elected. There are two Indians who are nominated members of the Legislative Council

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# INDIA IN THE League of Nations Assembly.

## *FIFTH SESSION—SEPTEMBER 1924*

India is an original member of the League of Nations, so created by the British Government in order that Great Britain may have an additional voting strength in the Assembly of the League. But she has no voice of her own. She merely repeats what Britain bids her to say. India stands third in the scale of contribution but she has an unique system of representation. Every year three "representatives" of India are nominated by the British Cabinet and the Government of India to "represent," as they say, India in the annual sessions of the Assembly at Geneva. In 1924 the three Indian "representatives" so chosen were Lord Hardinge, the ex-Viceroy, His Highness the Maharaja of Bikaner, and Sir Mohammad Rafique of the Punjab.

The 1924 session of the Assembly of the League of Nations was a memorable session, as Mr Ramsay Macdonald, the Labour Premier, was making a great effort to bring peace to Europe by a proposal of reduction of armaments and inclusion of Germany and Russia into the League. This, if successful, would have proved a great achievement of the Labour party. Subsequent events however proved the futility of his ideals as Britain was not in a mood to reduce her armaments, and his plans were frustrated by the Conservative Government in England which soon after brought down his downfall.

The session of the League commenced on the 1st September 1924 on which day the elections to the various offices took place. President, Vice-Presidents, Chairmen of Commissions and so on. Next day began the long interminable debate on the report of the Council for the previous year. But the great event of the session came on the 4th September when Mr Ramsay MacDonald opened discussion on disarmament and security. He was given a thunderous ovation. The House was packed to suffocation, and the historic debate was then started by the British Premier.

### **The British Premier's Speech**

Mr MacDonald was given an ovation for five minutes. Then there was complete silence when he rose to speak. His speech was frequently punctuated by applause especially when he said, 'We are here to lay the foundation of peace.'

He emphasised that the delegations of which he was the chief were determined to see all their ideas in a common pool. Britain did not subscribe to the Pact of Mutual Assistance, then mooted by the League, not because she was indifferent to public security but because they felt that they had not yet a proper soil in Britain. She wished to carry out the very letter of her obligation but she would not sign an indefinite proposal which if she tried to carry out public opinion would probably make it impossible. But the last word had not been said in the pact. We must have, he said, the whole world with us.

Mr. MacDonald declared that they could not afford to allow Germany to remain outside the League. The London Conference had created a new relation and they should bring Germany into the Assembly (Cheers) The matter should be taken up by this Assembly. Mr. MacDonald said that Russia believed in revolution and therefore did not favour the League. But Russia had changed and the Anglo-Russian agreement was paving the way for Russia entering the League. He then outlined his plan in detail.

Next day, September 5, the French Premier M. Herriot spoke on the proposition, generally supporting Mr MacDonald but making certain reservations. On Saturday, the 6th, the discussion came to an end and on this day the Maharaja of Bikaner, on behalf of India, made a speech which did not surely voice the sentiments of the Indian people, who groan under an unparalleled Military burden, but that of the British War Office and of the Government of India. The following is an account of this day's proceedings —

The Assembly unanimously passed amid prolonged cheering the disarmament resolution which Mr. MacDonald and M. Herriot had previously discussed at great length.

#### The Resolution.

M. MOTTA, the President, read the resolution to the Assembly in the names of Great Britain and France —

"The Assembly while noting the declarations of the Governments represented remarks with satisfaction that they contain a basis of understanding tending to establish and secure peace and decides

"Firstly, with a view to reconciling in the new proposals the divergences of certain view points and when an agreement has been reached with a view to enabling the convocation at the earliest possible moment of an International Armaments Conference by the League, the third committee is requested to consider material for dealing with the question of security and reduction of armaments, particularly the observations of the Governments on the draft Treaty of Mutual Assistance in pursuance of resolution 14 of the Third Assembly and other plans prepared and presented to the secretariat since the publication of the draft treaty and to examine the obligations contained in the covenant of the League in relation to guarantees and security that a resort to arbitration and reduction of armaments may require

"Secondly, the first committee is requested, firstly, to consider with a view to possible amendments the articles of the covenant relating to the question of settlement of disputes, secondly, to examine within what limits the terms of article 36, paragraph II of the statute establishing an international court, might be rendered more precise and thereby facilitate a more general acceptance of the clause and thus strengthen the solidarity and security of the nations of the world by settling by pacific means all disputes which may arise between states"

The resolution was unanimously adopted amid loud and prolonged cheering after the speeches of Mr. MacDonald and M. Herriot

The Maharaja of Bikaner voiced the ardent interest which the Princes of India took in securing peace and justice. He said that they associated themselves with arbitration. He entirely concurred with Mr. MacDonald's rejection of the draft of the Treaty of Mutual Assistance. He said that it was imprudent to reduce armaments unless

security had been previously assured. Referring to the exceptional position of India and its complex problem of the frontier he said the reduction of its garrison would weaken the security of India.

His Highness' speech is given in full below

It should be noted here that the question of a world peace after the great world war had been engaging the League of Nations ever since its inception, but a definite move was made in its third session in 1922. For two years the various Committees of the League laboured, and their final result was embodied by a draft Treaty of Mutual Assistance, i.e., aimed assistance by the great Powers in support of the League's judgment on any question of international dispute. This draft was circulated to the powers and both Britain and France turned it down! Such is the way the League works. And now a new idea was set rolling

#### The Committee on Intellectual Co-operation.

After this memorable decision which formed the foundation of the historic "Geneva Protocol" since recently broken up by the Conservative Cabinet as ill-suiting their imperialistic interests, all interest in the Assembly's proceedings flagged. Six Commissions, each composed of one delegate from each nation, and thus constituting about one-third the size of the main Assembly, were then engaged in threshing out problems of security, disarmament, arbitration, international law, sanitation and so on. About the end of September interest was again enlivened on the discussion of the question of intellectual co-operation. It was here that Sir M. Rafique made an important speech reproduced below (p. 350). What this Committee of Intellectual Co-operation did, as a matter of fact, achieve it is not clear, but a resolution was duly passed and in support of it Sir M. Rafique spoke on behalf of India.

#### Report of the Indian Delegates.

The report of the Indian delegates was issued in December 1924. It was signed by Lord Hardinge, The Maharaja of Bikaner and Sir Muhammad Rafiq. They say that, as far as the principal question before the Assembly, namely, that of the reduction of armaments, security and arbitration was concerned, the position of India, like that of the Dominions, was necessarily one of subordinate co-operation with the British delegation.

Such objections as the delegation thought fit to urge against certain provisions in the draft under consideration were found more convenient to express in an informal meeting of the Empire Delegations than in open Committees or in the Assembly of the League. They acknowledge the value of the legal assistance afforded by Sir Muhammad Rafique in this respect. Many of the matters discussed at the Assembly, especially projects emanating from certain of the technical and social organisations of the League, were primarily of interest to the State members of the League in Europe. But the Indian delegation, the report says, could not consider itself wholly disinterested in such matters, if only for the reason



that the financial provisions which they might involve required careful consideration in the Fourth Committee in connexion with the budget of the League

A more intimate knowledge of the previous history of some of these proposals, which goes back over several sessions of the League, would have been required to enable the delegations to debate them effectively "This, in our opinion, is an important ground for securing some further continuity in the composition of the delegation to the League Assembly from year to year, a matter to which we observe that our predecessors have also drawn attention"

### Magnitude of Problems

They express their appreciation of the honour of having represented India at a session of such great importance for the future of the League While the Indian delegation could only play a small part in the discussions, they consider that the presence of the delegation was a useful reminder to the European States' members of the magnitude of problems in which they were involved

The delegates, in concluding write "We wish to record our warm appreciation of the valuable services rendered by the other members attached to the Indian delegation in Geneva We are fortunate in again having temporarily at our disposal the services of Mr Campbell, whose experience and knowledge of the most important questions at issue were of great value We have also to congratulate ourselves on the fact that His Highness the Maharaja of Bikanir was accompanied by Sir Stanley Reed, whose knowledge of Indian affairs, and whose tact and courtesy made him a very welcome addition to the delegation who have every reason to be appreciative of his services as a substitute in the Second and Third Committees We desire at the same time to pay a tribute to the ability and untiring zeal of Mr Patrick, whose services as secretary of the delegation were invaluable. Mr. Patrick's intimate acquaintance with the work of the India Office, coupled with experience gained locally in India, and a thorough knowledge of the French language, made in him a combination that it would be difficult to reproduce. He was a very useful substitute in the Fourth Committee"

### H. H. Maharaja of Bikaner's Speech.

The following interesting speech was delivered by His Highness the Maharaja of Bikaner at the fifth Assembly of the League of Nations held at Geneva on Saturday, September 6th. During the general debate on reduction of armaments initiated by Mr. Ramsay MacDonald and M. Harriot, His Highness said.—

"May I preface by stating that I deem it a high privilege to take part in the deliberations of the Assembly of the League of Nations Although this is the first occasion on which it has been my good fortune to attend this Assembly, I do not come as a total stranger, for my association with the League of Nations, at least indirectly, goes back to the Peace Conference when it fell to my lot to conduct negotiations for the inclusion of India in the membership of the League It is therefore a matter of special gratification to me to be present on this occasion and on behalf of the Princes of India whose interests I have the honour to represent. I would

also take the opportunity of expressing their high regard for this association of the people of the world and their ardent interest in its great work to secure permanently a reign of peace and justice. On behalf of India I desire to express our entire concurrence with the letter of the Prime Minister of Great Britain on the subject of the proposed treaty of mutual assistance and his powerful advocacy of the principle of arbitration. Soldiers, I submit, are the best judges of the horrors of war. Fire-eaters are not always found in the ranks of soldiers who bear the burden of fight, but sometimes in those of civilians who stand and wait. I have seen much of war in three continents and I would give my right hand in support of any effective scheme to reduce both the danger of war and armed peace which is the precursor of war, but we have to be jealous, lest in our anxiety to reduce the pressure of armaments without effective guarantees for security, we produce amongst the nations that sense of uneasy fear which is a bed of war. Whilst, therefore, we associate ourselves with the ideals of those who framed the proposed treaty of mutual assistance we associate ourselves no less with the Government of the British Empire in rejecting it, because we feel that guarantees are so illusory that effective disarmament would leave a sense of insecurity which might revive the spirit of aggression. To the general arguments advanced in the letter of the Prime Minister to which we subscribe, there are to be added special forces arising from the geographical position of India. I state them now because they must govern our attitude not only towards the proposed treaty but to any amended proposal for disarmament which may come before this assembly. In India we have a frontier problem of exceptional difficulty and complexity. Our border line stretches from the Indian Ocean near Karachi to the confines of China and Siam. Much of that frontier is peopled by hardy and turbulent tribes owning no law but blood feud, and having no higher ambition than to raid the peaceful dwellers on the plains. These tribes are saturated with arms and ammunition imported from Europe and despite costly punitive measures this illicit traffic has, as Mr Ramsay MacDonald told us, not yet been brought fully under control. They contain within their clans some of the finest fighting quality in the world. Other sections of the frontier consist of dense and almost pathless jungle occupied by restless tribes. Nor in our time can the serious menace to security of India contained in the frontier position be mitigated by use of economic sanctions or spread of the principle of arbitration. We are bound to take account of it in fixing our standard of military strength at minimum point which will ensure the safety of India. There is a further consideration to which I must invite the attention of the Assembly. Whilst we hope that the present cordial relations with our neighbours may long continue, yet the fact remains that all are not members of the League of Nations and all are not consequently susceptible to moral and economic pressure which the League may be in a position to exercise. Nations of Asia who are members of the League are so situated geographically that even if they accepted the responsibility proposed under the draft treaty they had not the means to give India assistance and had the will promptly to use them. They are not in a position to render to India that immediate effective assistance which would be essential to her security with a reduced military establishment. Immediate fact of a reduction of armaments in India would therefore be to weaken guarantees for the security of the Indian people. On these general and specific grounds, therefore, we have been driven to follow the action of the Government of the British Empire in rejecting the pro-

posed treaty of mutual assistance, but because we do so, I would not have this Assembly or any member of this Assembly conclude that we are behind any nation in the world in our desire for peace. We harbour aggressive designs towards none. We desire nothing more than to be allowed to work out our destiny undisturbed by the shock of war or the threat of war. By instinct and tradition we are a peaceful people. I have stated our position frankly because of my conviction that if we ignore facts we shall not ensure peace but rather induce the feeling of insecurity which may lead to war, but subject to the recognition of conditions which I have sketched—a recognition essential to the discharge of our responsibilities for the security of three hundred and nineteen millions of people, or one-fifth of the entire human race. We associate ourselves whole-heartedly with the principle of arbitration and with any measures which this Assembly may take for the reduction of armaments, for the establishment of the rule of law and for guaranteeing to the nations of the world the untold blessings of a secured peace."

### Committee on Intellectual Co-operation.

The following speech was delivered by the Hon. Sir Mahomed Rafique on the 22nd of September, 1924, at the League of Nations, in support of the resolution on intellectual co-operation —

"Mr President, Ladies and Gentlemen,

"When the distinguished scholar whose report we are now considering presented it to the Second Commission, it was specially welcomed as sounding a note of useful criticism. I have no note of criticism to offer now, but a few suggestions, which I trust will receive the attention of the Committee on Intellectual Co-operation. We have a definite proposal before us, and we cannot be blind to the fact that it aroused differences of opinion in the Assembly. On the question at issue I offer no opinion, on the principle which lies behind it may I say this? The work must go on. If therefore it is decided, in order to maintain the essentially internal character of our intellectual co-operation, that it should continue to centre in Geneva, then on us lies the plain duty of seeing that it is sufficiently provided with funds. None of us can lightly regard the words of the 'Rapporteur' that this work is in danger of falling for lack of funds. If therefore we are unable to accept the financial help offered to us, we must provide the necessary funds from our own resources. I speak strongly, because in my country learning has always been revered for its own sake. The Rishis, the wise men, were the most honoured figures in our heroic age. The tie which binds the public with his guru, or teacher, is one of the strongest we know and is severed only by death. Learning is the one force which knows no nationality, no territorial boundaries, it is international in the fullest sense of the term. A better understanding of each other's intellectual thought, co-operation in stimulating each other's intellectual thought, is therefore the life blood of the League of Nations, unless, therefore, we maintain this movement in full vigour we cannot advance surely towards our goal, the brotherhood of man.

"On behalf of India, then, I beg to express my cordial agreement with the principles underlying the idea of intellectual co-operation. It is obvious that there will be differences of opinion as regards certain details but what really matters is the appreciation of the main proposal of promoting contact between different peoples of all countries and of

educating the younger generation in the ideals of world peace and solidarity. I venture to think that without some such scheme the work of the League itself would have remained incomplete. When one visualises the future, one can well imagine the large and important part which the young people, trained in the early impressionable periods of their lives to respect and admire what is best in every culture and civilisation, are bound to play in the recognition of international co-operation as the only right and satisfactory method of conducting the world affairs. Much of our present trouble would never have come into existence, if we, while young, had been thoroughly schooled in the principles of tolerance and universal brotherhood produced by common understanding and sympathy. As an Indian, I feel happy and proud to think that the culture of my country, unfortunately not so well understood in the West as it ought to be, will once again in the future, as by common consent it did in the past, contribute its own share to the attainment of the ideals on which the League is established. I have not the slightest doubt that by the efforts of the committee the culture of India will be more widely appreciated and spread than it is today. I am one of those who maintain that the peace and progress of humanity depend on the mutual understanding and co-operation of the East and the West. In the distant past the East kept burning the torch which imparted the light of learning to far-off corners of the world. Had I the time, I would enumerate the services of the East in the various domains of human thought and activity. And I am happy to say, and I may say with confidence, that India's capacities and resources are not exhausted, she is still a living intellectual force, ready and eager to place her services at the disposal of the world, if only she is given a chance of doing so. The East, and specially my country, I may be permitted to remark has many valuable thoughts to offer for the enrichment of the world's literature, science and philosophy, if only her sciences and institutions are properly understood and studied. Take for example Hindu culture—the proud inheritance of the vast majority of my countrymen—and you will find that before the dawn of history in the West it taught the lessons of universal brotherhood and universal peace for the acceptance of which this illustrious gathering is working today. The achievements of my countrymen in the past are beyond dispute; their achievements today are worthy of serious notice. The work of this committee will gain in strength and value if it is kept in vivid contact with our numerous universities, not only with the older seats of learning, modelled on western institutions but with the great Hindu and Muslim Universities brought into being by the combined efforts of the Government, of the Princes, and the people of India, where a great renaissance of Indian culture is bursting into vigorous life. In India we have our learned societies some of them over a century old, and cultural organisations depending on the devotion and self-sacrifice of learned men, some known to fame and others content to labour in obscurity which, I have every hope, will be able to render valuable assistance to the work we are considering at the moment. And, Mr President, knowing the young men of my country as I do, I make bold to prophecy that, given adequate facility and encouragement, they will, true to their own culture and civilisation, prove excellent pioneers and propagandists of the principles which we all desire universally to be recognised and acted upon in the world.

"With your permission, Sir, I wish to express my gratification at the response made by many countries to the appeal for books and publications made on behalf of the library of the University of Tokio.

This is as it should be. Our aim will only be realised when institutions in all the civilised countries, members of the League, are treated in this as well as in all other matters alike

"I am here to acknowledge the debt we owe to the European savants who opened the storehouse of eastern learning to the West and at the same time stimulated our own interest in our rich culture. I am here to proclaim the contribution which India is able and ready to make to the world's stock of knowledge from her own treasures, which are increasing every day through the labours of her devoted sons. I am here to declare the message which India has to give to the West drawn from her deep and diffused spirituality, from her respect for ascetic ideals, from her rare capacity for sacrifice and service divorced entirely from material considerations. And finally I am here to proclaim my confidence that the Committee on Intellectual Co-operation is the instrument for this fusion of eastern and western culture, to the infinite advantage of both

Not through eastern windows only,

When daylight comes, comes in the light

In front the sun climbs slow, how slowly,

But westward look, the land is bright.

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# Anti-Indian Propaganda in America

As a sample of the anti-Indian propaganda started by the Sydenham-O'Dwyer die hards in America, we quote below an article by Lord Sydenham which appeared in Sept 1924 in the New York "Current History Magazine" under the glaring caption "The threat to British Rule in India." Lord Sydenham was at this time touring in America for this particular propaganda against India and his article was widely circularised to enlist American support to British Imperialism in India. Lord Sydenham writes —

## Lord Sydenham's Article

The grave situation which has arisen in India may primarily concern the British Empire, but it suggests possibilities which would directly and indirectly affect the civilised world. Since the assumption of authority by the Crown in 1858 following the great mutiny, the advance of India had been extraordinary. That an eastern sub-continent with a population exceeding 300,000,000, should, until recent years, have been orderly and progressive was an international factor of extreme importance, and if it were now to disappear, there would be repercussions certain to be felt far and wide.

To Americans, faced by Pacific problems of which no one can foresee the issue, the stabilising influence which India under British rule has hitherto exercised, has been an advantage perhaps insufficiently recognized. While the British people were engaged in the tremendous task of rescuing India from the blood-stained anarchy which followed the fall of the Mogul Empire, in arresting the devastating activities of Marathas, Rohillas and Pindaris, in abolishing the enormities of Suttee and Thagi, and in gradually building up a pure administration capable of giving peace and equal justice to the millions of India, Americans were too much pre-occupied to realize the vast magnitude of an undertaking unparalleled in history. If the great structure which we have created at a sacrifice of innumerable British lives and with infinite effort were now to collapse, there would be a reversion to the anarchy of eighteenth century India, which could not be confined to her borders, and would react upon the Western nations.

Since President Roosevelt paid his notable and generous tribute to the most wonderful civilizing work ever accomplished, there have been persistent and organized efforts in the United States to vilify British rule in India. The wildest falsehoods have obtained circulation, so that it is difficult for Americans to ascertain the truth. American missionaries, whose excellent work I had opportunities of judging, are best able to appreciate the benefits of mildest Government that Eastern peoples ever possessed, and it is significant that during the dangerous rebellion of 1919 in Northern India, the staff and pupils of the Forman College at Lahore ranged themselves on the side of that Government and were helpful to the authorities at a time of terrible strain.

India comprises an area of 1,800,000 square miles, of which a little less than two-fifths with one-quarter of a total population of 320,000 consist of 700 self-governing Native States. In extent, therefore, India

equals all Europe with the exception of Russia. The climate shows immense differences and the rainfall varies from three to 400 inches. There are 130 dialects deriving from six different root languages and nine religions, of which two, Hinduism and Islam, are dominant and perennially in conflict for reasons ineffaceably traced in the pages of history. The former embraces more than 1800 castes and sub-castes carving deep lines of cleavage throughout the whole community, while the latter is divided into several sections, mutually hostile upon occasion. The "untouchables" number nearly 50,000,000, and in Southern India are regarded as capable of polluting a high-caste man at a range of sixty-four feet. Seven millions still live in tribal conditions. Some tribes who are professional criminals by caste, the Government, with the valued assistance of the Salvation Army, is seeking gradually to redeem

### An Agricultural People

The Census classes 90 per cent of the Indian peoples as rural (which compares with 20 per cent in England and Wales), while at least 72 per cent are dependant entirely on agriculture. The taxation after the war was about 4s. 9½d (about \$1.10) per head including land revenue. The spinning, weaving and other industries were introduced by British pioneers, but are now almost wholly in Indian hands, except in the case of the jute industry of Bengal. Capitalists in India are thus mainly Indians who have risen to wealth owing to the security afforded by British rule. The stories of heart-less exploitation which have been circulated in America are deliberate falsehoods. India is only at the beginning of industrialization, and for many reasons it is desirable that the pace should not be quickened. The British Government in India not only carries on all the work which Western Governments perform but, in the words of Lord Ronaldshay, former Governor of Bengal, his book "India A Bird's Eye View" —

"It constructs and runs railways, it undertakes huge irrigation works, organizes famine relief, it fights pestilence and plague, it doctors and it sanitates, it undertakes the exploitation and scientific treatment of the immense forests scattered over the land, it monopolises the manufacture of salt, it runs schools and colleges, it makes its influence felt in other words, in every department of the people's life."

The inspiration and the driving power which initiated and have carried on all this work and more are supplied by only 5000 British officials while the major administration rests upon the Indian Civil Service of a little over 900, of whom, owing to climate and strain not more than 800 are normally at their posts. As pointed out by Lord Ronaldshay, it has happened to a single Englishman to be responsible for order and good government over an area larger than that of New Zealand and a population of 47,000,000. Tourists travelling by well-managed railways and visiting the great towns of India can form no idea of the real conditions of a mainly rural population, or of the work carried on in remote districts by little groups of British officials in smoothing down internecine feuds and in administering impartial justice to all castes and creeds. All such work depends entirely on character and upon the confidence which it has won in the past. Left to themselves, Indians will invariably seek the adjudication of a Briton, just as they will travel long distances to obtain the aid of a British doctor. I earnestly beg Americans to consider the few facts I have mentioned and to remember that more than 95 per cent. of Indians are wholly illiterate and that perhaps 1,000,000 have command of English, which

is the language of the political organisations now labouring to destroy our rule. If further they will reflect that the masses of India are credulous to the last degree, while many elements are intensely fanatical they will understand the difficulties of the task we have undertaken and the dangers of the present situation.

The huge population of India has been pledged together and has made amazing progress only by reason of British rule backed by military force relatively insignificant. Prestige the most potent factor in the East sufficed for many years to enable force to be dispensed with except on rare occasion. The visible signs of progress must strike every visitor to India, but may naturally induce oblivion of the explosive forces apparently dormant, but ready to assert themselves directly the controlling authority shows symptoms of weakening. The Moguls at the zenith of their power never created machinery of government comparable to that which in Lord Ronaldshay's words "makes its influence felt in every department of the people's life," but anarchy followed their decline and fall. Deeper and darker would be the calamity which would afflict the millions of India if British authority were to lapse and could not be replaced by another power able to carry on our task with the acquiescence and the trust of the complex medley of jarring races, creeds, languages and castes which constitutes the population of India. There is not and there cannot be for many years anything resembling an Indian nation. What is called for political purposes "Indian opinion" represents the views of an infinitesimal minority in temporary agreement only with the object of destroying British rule, but sharply divided as to methods and policy.

#### Towards Self-Government.

For some years at least it has been the British aim to lead India gradually towards self-government. In my five and a half years' of office in Bombay this aim was never absent from my mind. Indians are eligible for and may occupy every post in India except that of Viceroy and Provincial Governor. The experiment of appointing a very able Bengali lawyer as Governor of Bihar and Orissa was lately tried and failed, leading to his resignation after a few months. Indians dominate the whole subordinate judiciary, supervised by the high courts in which British influence is now declining. They have provided valuable officials in all capacities after being trained in Western methods of administration. To a great extent they control education in all its branches. All local government is in their hands, with results which in some cases have been disastrous. (For example, I was forced to suspend two municipalities for shocking proceedings, and no resentment was forthcoming. The Bombay Municipality, now converted into a political body, has boycotted all British goods.) In the legislative sphere, the reforms of Lord Morley and Lord Minto in 1909 conferred large powers, making it possible for Indian views to have the fullest expression. So far as Bombay is concerned, I can testify that no legislation was passed without the concurrence of a council in which Indians held a large majority. The liberality of the reforms was regarded at the time with astonishment by Indian politicians. They worked well in spite of certain defects which could easily have been remedied, and they provided a basis for further progress in the direction of self-government. They were swept away before the opportunities they afforded were understood or realized, and in 1919 India was suddenly presented with a crazy Constitution which is already proving harmful to the vital interests of the Indian peoples.



Americans should know some of the facts, of how the political movement was engineered during the great war, in which Indian troops served gallantly in every theatre of operations while the Indian Princes and Chiefs were lavish in contributions of men and treasure to the cause of the Empire. The war threw a heavy strain on the whole Indian administration, which the "political minded" group turned to full account. It obstructed the Government so far as it was able and sought to bargain for its support. It strengthened and spread its organisation and established close connections with the politicians in England who were known to favour Home Rule. It stimulated the secret societies in Bengal and the Punjab, some of which had ramifications in America, where, as in England and other countries, an active propaganda was developed. When the war ended the talking men demanded power for themselves because the fighting men, who held them in contempt, had contributed to victory.

The chessboard was already partly set when Mr. E. S. Montagu was appointed Secretary of State for India and took upon himself the task of setting up Western democracy in India which he himself acknowledged to be a "very dangerous experiment." He proceeded to India, visited a few great cities, was deeply impressed and perhaps alarmed by the representations of the little group of English-speaking intelligentsia, omitted to consult the classes on which the life of India depends and produced a report in which he stated his intention of "deliberately disturbing the placid, pathetic contentment" of the people. This report is an interesting study in contradictions. Parts of it evidently describe conditions and violently conflict with the political proposals supplied by theorists and doctrinaires. The report was embodied in a bill which went further in weakening the authority of the Government. A joint committee of both Houses of Parliament was set up to take evidence from the numerous political organizations whose delegates had hastened to London, and the Secretary and the under-Secretary of State appointed themselves judges of their own case. No non-English speaking Indians out of more than 318,000,000, nor any representative of the martial classes was heard, and the bill emerged with more concessions (especially in the direction of weakening the Central Government) to the delegations engaged in working up support in England. (This aspect of the proceedings is admirably presented in "The Lost Dominion.")

#### The Act of 1919

The bill was then rushed through Parliament with the aid of the "kangaroo closure," and as the Coalition Government was in power there was no opposition except from the small number of members of both Houses who knew and loved India. In normal times there would have been strong opposition and adequate discussion would at least have been insisted upon. Public opinion confused and distracted by the war and its after-math was not in a position to form calm judgments and was assured that the passing of the bill would bring peace to India where the astute politicians were already organizing to create trouble. In such conditions one of the most momentous measures that ever issued from Westminster was launched on its dangerous career. The broad provisions of the act of 1919 were as follows:

(1) Eight single-chamber triennial Parliaments, mainly Indian, were set up with a double-chamber Parliament above them in certain respects. This what Lord Morley, stoutest of democrats, declared that he would never accept. (One of these single-chamber Parliaments was

Burma, which came in later. The Burmese differ more from Indians than Italians from Finns, and except that both countries are tropicals their conditions have little in common).

(2) The electorates were so restricted that the agricultural population—the main-stay of India—received nothing that could be called representation. Separate electorates had to be created for Muslims, Sikhs, and some other communities. The general political effect of all this was to give preponderating power to the urban population in a country where 90 per cent. of the people are classed as rural. The power fell mainly into the hands of town-dwelling political lawyers, money-lenders, doctors, Brahmins and others who belong to the small section which is fluent in English and has always sought to oppress the people.

(3) In the Executive Councils a preposterous system, known as "diarchy," was introduced. The Executive was supposed to operate in two compartments, one responsible to the Government and the other, with power over important services, to the Legislative Council. In practice, the "diarchy" has disappeared, but it led to confusion in the administration and to some amazing incidents as when Councils refused to vote the salary of their "Ministers." The obstructive powers conferred on all these Parliaments are enormous, but the Viceroy and the Provincial Governors can resort, in some circumstance, to vetoes and certifications, and have already been forced to do so. It is plainly impossible to govern by these expedients.

This complicated, exotic Constitution, which is understood only by an insignificant fraction of Western-educated Indians, was set up by the loyal efforts of British civil servants, and otherwise could never have materialized. Its vicious features are the disastrous weakening of authority throughout India and the heartless neglect of the interests of the masses who have never shown the smallest desire for political change. It is maintained in being only by British bayonets in the background, and it would dissolve like "the baseless fabric of a vision" if that support were withdrawn. The results anticipated by all who knew India have been ominous. From the time when it was realised by the Indian politicians that Mr. Montagu could be intimidated, organized disturbances began to take acute form. In the spring of 1919, before the passing of the bill, a better planned and more wide-ranging rebellion than the mutiny of 1857 broke out, and was intended to coincide with an Afghan invasion. If, as was contemplated, the Indian rebels had been able to cut the railways in the Punjab behind the troops on the frontier, the situation might have become desperate. Either the rebellion was premature or the Afghans were too late, and the prompt action taken by the Government of the Punjab enabled the belated invasion to be defeated. The position was most critical until the stern action of General Dyer at Amritsar restored order. The shooting at Jallianwalla Bagh has been described in America and elsewhere as a massacre. At another great town, not in the Punjab, the losses were at least as great, but this fact is not known.

#### Amritsar Shooting a necessity.

The simple facts are that Amritsar was in the hands of the rebels, who were preparing to loot the city, and scattered over the Punjab there were isolated groups of Europeans, men and women, who could not be directly protected. After three warnings a large mob assembled, under orders from the leaders of the rebellion, and was dispersed by the fire of fifty Indian soldiers. The losses were deplorable because

they fell upon ignorant people incited to rebellion by politicians, who were careful to keep out of danger. But this sharp lesson, which had parallels in American history, saved tens of thousands of lives. The citizens of Amritsar came in crowds to thank General Dyer, and the Sikhs bestowed a special honour upon him. If an inquiry had taken place at once, Indians would have flocked to give evidence proving the urgent necessity for his action from the Indian point of view. When, many months later, the Hunter Commission began its irregular proceedings, there had been time for the political leaders to create an atmosphere in England and India, and witnesses, Indian and British, who told the truth, were subjected to persecution. It was left to an English judge, who "for the first time received sworn evidence" as to these occurrences, to pronounce this year a verdict which the impartial historian will be compelled to endorse.

The next serious rising was that of the Moplas in the difficult and dense country of Malabar. This was due entirely to the freedom granted to political agitators to stir up the well-known fanaticism of a backward Moslem population. Thousands of Hindus were killed and outrages of all kinds were perpetrated before this rebellion could be put down by our military forces. The long tale of subsequent rioting cannot here be told. There is scarcely a large town in India which has not known murderous outbreaks, the deliberately organized disturbances in Bombay on the arrival of the Prince of Wales being especially significant. These disturbances lasted two days and Parsees as well as Europeans were objects of attack. Mobs in Calcutta have recently been murdering Sikhs and subsequently Gurkhas. Never before has the mutual hostility of Moslems and Hindus assumed such violent form as at Multan, Lahore and Delhi, requiring British troops to prevent wholesale destruction. The total loss of life since Mr Montagu took office exceeds that in all the previous years since the great mutiny. While the rival communities were engaged in killing each other, their self-appointed leaders have been amicably conspiring against British rule. All this naturally and inevitably follows manifestations of weakness in any eastern government. The outstanding results of Mr Montagu's "series of ineffectual concessions" has been to promote Indian race-hatreds on the one hand and colour prejudice on the other, the latter being formerly unknown or negligible.

Americans will not fail to recognize a similarity between their difficulties in the Philippines and ours in India, allowing for the differences of area and population. The Filipino ilustrados have many points in common with the Indian intelligentsia, and both have sought political support in the Government countries. President Wilson, like our Mr Montagu, decided on an experiment in "self-determination"—a term which Mr Lansing most wisely described as "loaded with dynamite." The American experiment resulted in administrative chaos and in undoing the fine work of the Americans which Governor-General Leonard Wood is valiantly endeavouring to restore. In America as in England, a political party is willing to abandon the task of giving good Government to an eastern people. The future of both India and the Philippines is now in the melting pot of domestic politics.

#### Unworkable Constitution.

Our Socialist Government is already violating the spirit, if not the letter, of the Constitution, which was to last until 1929 and then to be the subject of inquiry by a commission to be sent out for the purpose. A commission has been set up in India and is proceeding

to take the machine to pieces, alleging quite correctly, but from a point of view differing from mine, that it is unworkable. The demand is now for complete Home Rule (Swaraj). We are to remain in India until such time as the politicians have created armies for their protection, and while keeping them in power, we are to look on unmoved at the destruction of our work of a century and a half. Already corruption is asserting itself in ugly forms, already courts are beginning to be distrusted where religious differences exist, already it is dawning upon Moslems that under the operation of democratic institutions, they must be politically swamped by the huge preponderance of Hindus. We in the West accomodate ourselves as best we may to majority rule—the first principle of democracy. Warlike people in the East will never so easily resign themselves to the vagaries of the ballot box. The 70,000,000 Moslems in British India contain some of the most virile elements in the population, cherishing the traditions of a ruling race, and now elated by the successes of the Turks. Beyond the frontier are 200,000 well-armed fighting tribesmen, and in the background the shifty monarch of Afghanistan, who might at need respond to their call. Such is one of the possibilities of the future, history repeating itself in the form of another Mohammedan conquest of India.

Meanwhile, in the great native States the authority of the Chief's has been maintained and non-British India has been tranquil except where as in Patiala, Nabha and Kashmir troubles have been imported. The position of the great Chiefs is, however, threatened and many become extremely difficult. If the efforts of the politicians prevail with the Socialist government in Great Britain, and if Swaraj supervenes, guardianship which British rule has afforded to the Native States will be withdrawn and they will be face to face with the forces of subversion which they would certainly resist by force. Some of them have military forces which they would use to carve out larger territories from the welter which would follow a lapse of authority in British India. Such extensions have been already planned. Here is possibilities which no one who does not know India can grasp.

So far as I am able to judge, we approach the time at which a decision to "govern or go" will have to be taken. The responsibility for the defence of an immense country, always threatened on its northern and north-western frontiers cannot be separated from that of government. This principle will also be found to apply to the case of the Philippines. Unless we retain complete control of the armed forces of India, there will be nothing to prevent the Nepalese from occupying Calcutta or the Pathans from attacking Delhi. Compromise with the Indian politicians on this point is impossible. They may and they do seek to raise a revolt among our native troops and in this respect the situation resembles that before mutiny in 1857. But some sections of the Indian army would never follow their lead and there is no large localized force corresponding to the Bengal Army of 1857 which they could manipulate. Military considerations which I cannot here discuss, are of supreme importance and on the prevailing atmosphere of pacifism, which belongs realities in the East and elsewhere these questions may be ignored.

A gallant Indian soldier has pertinently asked "What is to be expected of a Government from which its friends have nothing to hope and its enemies nothing to fear"? In these words our policy since Mr. Montagu's accession to office is not unjustly described. Clearly, such a policy cannot endure, but it has had most serious effects upon the great public services now crumbling. The Indian Civil Service, correctly described by Mr. Lloyd George as "the steel-frame" which

supported the whole Administration, is falling apart. Economic stress has told heavily upon this splendid body. The conditions of its service have changed so greatly as to cause wholesale resignations of experienced men and the almost complete failure of recruiting. For years British civil servants have worked under Indians trained in Western methods, but they have now fallen under the sway of amateur Indian politicians and have lost the protection they formerly enjoyed. They are always liable to periodical attacks in the Councils, and the Government does not defend them. They do not forget that the men who helped to save Northern India in 1919 were censured and penalized. They see paid agitators allowed to poison the minds of the people who trusted them. Their wives and families in many districts are deprived of the services of British doctors and even their tenure of office and their pensions are not explicitly guaranteed by the Home Government.

#### Services Deteriorating.

In these circumstances it is natural that the Indian Civil Service should lose heart, and other services are in the same position. The Indian Medical Service, which has done the work for health and sanitation, has almost disappeared. A commission has recently investigated these matters, and has made proposals for improving the financial position of our public services and thus fulfilling pledges made to them. These proposals are being held up for discussion in the hostile Indian Assembly, and may have to be passed in certification. The grave question arises as to whether, in the present state of the public services, it is any longer in a position to govern.

I have tried to compress within a short space the outstanding features of the situation in India as it exists today, but much has necessarily been omitted. I cannot deal adequately with the complexity of causes which are leading to a crisis. A faulty system of education, based upon Macaulay's misconception, turned out in large numbers young Indians for whom no useful work could be found and who naturally turned against the Government. The defeat of Russia by Japan deeply impressed all the Eastern peoples. Before the World War German intrigues were at work which affected Moslems especially and produced the Khilafat leaders who proclaimed that the British were attacking the Caliphate, since destroyed by their Turkish allies. Secret societies and latterly Bolshevik money and emissaries, whose objects differed radically from those of the Indian revolutionaries, but agreed in creating a ferment against British rule, have played a not unimportant part. It is, however, to our own policy of making successive concessions indicating fear which is a fatal attitude in the East that I attribute the main source of our present acute difficulties. By setting up an exotic Western Constitution for which India is at present totally unfitted, and which was therefore unworkable, we invited the demand for full self-Government. The little class oligarchy which we placed in power in the sacred name of democracy cannot rule, and its leaders do not even trust each other. The Hindus apparently agree only in desiring to break away from Western culture and methods and to bring back a golden Age which never existed. If left to themselves, they would wreck any democratic Constitution.

We are and we remain solely responsible for the welfare and the gradual uplifting of the vast masses of Indian peoples to whom our authority alone can give law, order and equal justice. The alternative is written in letters of blood on the pages of Indian history.

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# European & Anglo-Indian Polity-1924



# Anglo-Indian & Domiciled Europeans' Association

CALCUTTA—6TH OCTOBER 1924

Like the Europeans the Anglo-Indian & the Domiciled European communities of India have lately begun to join their forces to form a single organised body. The recent movement of the Europeans and the British Services to safeguard their vested interests, and especially the Lee Report, have disillusioned the Anglo-Indians of their position in Indian polity and have stimulated them to put forth their own communal claims. With this end in view Messrs Stark and Burton, two prominent leaders of Anglo-Indians went to England in 1923 and formed there the London Anglo-Indian Association, and in August 1924 Col Gidney, another eminent Anglo-Indian leader, made a move to have all the Anglo-Indian Associations of India amalgamated into a single All-India body.

The ANNUAL GENERAL MEETING of the Anglo-Indian and Domiciled European Associations of India was held on the 6th October 1924 at 28 Theatre Road, Calcutta, Col Gidney presiding. The meeting was attended by delegates from most of the different provincial branches and the proceedings were marked by great enthusiasm and liveliness. Col Gidney briefly opened the proceedings, after which the acceptance of the annual report and balance sheet and other formal business were transacted. The Rev P. E. Curtis was elected senior vice-president and Mr. Stanley junior vice-president.

## The Question of Amalgamation.

The question of amalgamation of all Anglo-Indian organizations in the country into one united body was then taken up. In urging the acceptance of the resolution on the subject to the meeting, Col GIDNEY said that the panorama they saw around them in India now-a-days was one showing the various peoples playing a game of political chess, each one controlling its respective pawns. The King and Queen pieces were being controlled by the two leading communities, namely, the Hindus and Mahomedans. Those pawns were moved to a definite end and object, reflexive of the respective interests of the players. They were being moved with one main object and that was the betterment of their respective communities. But what did they see on this chess-board so far as one communal pawn was concerned? There was one little space on this board which was occupied by the shadow of a pawn and that was the shadowy efforts of the Anglo-Indian community.

"The community", Col Gidney went on, "had at last awakened to the realities of the situation. For the last few months they had tried with a forceful hand to move the pawn and move it to the best advantage of the community as a whole. Their desire was to use all the force and vitality, which was apparent in some of them and lay dormant in most of them, to resuscitate their community and to enable it to take an active part in the political game which was being played in India to-day."



In conclusion Gol Gidney said "If we do not listen to the call for unity which is apparent all over India to-day but are led away by our petty jealousies, we must sink at no distant future lower and lower, till we be counted amongst the depressed classes. What every community in India is realizing to-day is that unity is strength and the only community which has not realized this is the Anglo-Indian community".

Mr. H. BARTON remarked that instead of only agreeing to the principle of unity, they should at that very meeting bring the proposed body into being

The following resolution was unanimously passed :

"Resolved that this Association do amalgamate with the proposed Anglo-Indian and Domiciled European Association, All-India and Burma, now known as Anglo-Indian and Domiciled European Association (Bengal), after the Draft Rules have been considered by all the Branches and, thereafter, by the Executive Committee. The Executive Committee is hereby authorized to take such steps as they may consider necessary to achieve the desired object"

#### Racial Distinctions

The meeting then went on to discuss the position created for the Anglo-Indians by the passing of the Racial Distinctions Bill, and the following resolution was adopted on the subject —

"Resolved and passed unanimously that the General Meeting of the A I and D E Association (India), with which the Bengal Association associates itself, records its sense of deep concern at the anomalous and unsatisfactory position occupied by the Anglo-Indian community under the Indian Penal Code in so far as it touches trial by jury and earnestly requests the Government of India to give this matter their urgent and sympathetic consideration with a view to removing this anomaly."

#### Representation in the Army.

The meeting passed the following resolution with regard to the claim of the community for representation in the Army —

"The Anglo-Indian Community views with much surprise and disappointment the attitude of the Government in respect of the claims of the Community in the formation of an Anglo-Indian Unit and requests that early steps be taken to raise such a Regiment in deference to the unanimous wishes of the community."

#### Co-operation with Indians.

On the 7TH OCTOBER the most important subject discussed at the meeting of the Association was in regard to the policy which the community should adopt in future in relation to the other communities in India. The consensus of opinion was that the Anglo-Indians, while maintaining their separate identity, should, as far as possible, co-operate with Indians in promoting the progress of the country as a whole.

Speaking on the subject, Col. GIDNEY said "The minds of many of our thinking members seem to-day to be surcharged with the one question —What is the best policy for the Domiciled Community to pursue in the India of to-day? Divergent views, we know, are held, as divergent as are the two poles. But all admit that some immediate action is necessary. This hesitancy will not lead us anywhere, nor will it materially improve our present status in India.

It is, therefore, imperative, that we should at once have a Round Table Conference of our leaders and thinkers and settle what is to be our future policy. If our own uncertainty does not demand such a conference, the parlous and black future of our own generations to come certainly do, and we opine that if we defer such a conference any longer and continue to pursue this drifting policy, like a ship without a compass and a fixed course, we are performing a criminal dis-service to our children

"We submit that the time is most opportune to summon a Round Table Conference of our leaders from the North, South, East, and West of India to come to a final and definite decision as to what will be the best course and policy for Anglo-India to pursue and, having once made this decision, to follow it out fearlessly to the end, helping each other in its accomplishment. In consequence of the present day No-Policy attitude—our sitting on the fence game—we are ignored, despised and "not-wanted" by either the European or the Indian and our voice in the Government of India is next door to useless. Let us, therefore, gather together, decide on a joint plan and policy, and, if necessary, make out Pacts with other minority communities, e.g., the Mahomedans, who are to-day suffering similarly. Let us at once stop this policy of indecision. We would suggest a Round Table Conference of all our leaders and thinkers in Calcutta during the coming Christmas time."

After a good deal of discussion, the following resolution was passed

"This meeting of the Anglo-Indian and Domiciled European Association (India), recognizing that India is the Motherland of the community, and the unique opportunity of the community for interpreting the West to East and East to West, affirms its sincere desire to live on terms of complete amity and friendliness with all loyal fellow Indian subjects, and calls upon every individual member of the community to foster and further, in their efforts for the general welfare of the country, the cultivation of good citizenship and sincere friendship with all the communities in India."

#### Indianisation of the Services

The meeting then went on to discuss the question of Indianization of the Services on which interesting views were elicited.

Mr H BARTON, in the course of his remarks, referred to the hostility of the Indian members of the Legislative Assembly and said that if the Association was going to be of any use, it had got to prepare the necessary machinery to crumple up that hostility. He thought that as a community they could by themselves fight this opposition. What was needed was organization. They had the Services organisations, including the Telegraph Association, and side by side they must strengthen their communal organisations. They must have a definite decision arrived at by the Government, and get them to circularize the various administrative departments that Indianization meant not only pure Indians but every one who was born and bred in India.

A delegate suggested that Anglo-Indians were not strong enough by themselves to enforce their demands and would do well to look for allies. The Indians were getting stronger every day and he would like some method to be devised by which they (the Anglo-Indians) would be able to enlist the sympathy and co-operation of Indians in getting their rights. He would like the meeting to send one or two watching delegates to the forth-coming meeting of the Indian National Congress.

Mr MAGUIRE thought that the attitude of the Anglo-Indians towards Indians had been rather unfortunate. They might not have been actuated by hostility but their attitude had certainly been one of suspicion. He did not think that show of force would avail them in securing their rights. They might paralyse the country for a week or so but in the long run they must get paralysed themselves. It would be a good thing for them to try and get the leaders of Indian thought to recognize them as a minority community entitled to their legitimate share in the services of the country. What was wanted was to make out a strong case for themselves and put it both to Government and to the Indian leaders.

Commenting on the aloofness of the community, the speaker asked those present to point to a single instance in which Anglo-Indians at their meetings or conferences had passed a resolution touching the interests of the country as a whole. They had always confined themselves only to the interests of their own community.

Mr HILLER said that their attitude with regard to the other communities should not be one of scramble for jobs and positions but they should find some interest in common with the other communities.

The Rev P E CURTIS said that as a missionary he could not adequately express how delighted he felt at the sentiments expressed by the three previous speakers. He had felt that they had been labouring under a wrong conception all the time when they had imagined that the Indian was more or less a beast to be treated as they thought best. Now they were realizing that that was a wrong attitude. In fact, he thought that the time had come when they must admit that as a community their interests were mainly Indian. He supported the suggestion put forward by a member that they should appoint delegates to the Indian National Congress to discuss things with the Indian leaders.

The following resolutions were adopted:

"This meeting resolves that it views with grave apprehension and concern the crushing and destructive economic effect that Indianization of the Services is to-day having on the Domiciled Community, so much so that its future stability and existence is in India seriously imperilled and it respectfully requests the Government to keep inviolate the sacred trust imposed on it by the Montagu-Chelmsford Report, page 217, para 346 and to give practical proof and assurance so as to assuage this growing fear which is unanimously felt by the community."

#### Auxiliary Force.

(1) "This meeting, whilst very much regretting the letter sent by the Anglo-Indian Association, London, to the Secretary, Government of India, Army Department, Simla, and notwithstanding any opinion expressed or likely to be expressed by any Anglo-Indian body outside India, resolves that the Government accept the opinion of the Anglo-Indian and Domiciled European Association (India) as truly reflecting the unanimous opinion of the community regarding the entrance of Anglo-Indians via Dehra Dun into the commissioned ranks of the Indian Army and all other matters concerning the community in India."

(2) "Resolved that the Anglo-Indian and Domiciled European Association, India, would view with grave concern any attempt to alter the racial composition of the Auxiliary Territorial Force and it hereby records its unanimous and considered opinion that none but genuine Anglo-Indians and Domiciled Europeans be in future admitted into its ranks."

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# The European Associations of India

The activity of the European Associations during the second half-year of 1924 was mainly concerning the agitation that they started against Indianisation and in support of the Lee Report on one hand and the repressive policy of the Government on the other. The paid agent of the Association to carry on this agitation was Col. Crawford. He undertook in October 1924 last, after the close of the September session of the Assembly where he represents the European interest, an all-India tour to rally the scattered European population in India in support of the view of the Central European Association.

At Cawnpore

On OCTOBER 10th, Col CRAWFORD addressed the Europeans of Cawnpore and gave expression to the views of his Associations as follows — That with the coming of the reforms official India counted for very little. The British army would remain, but the burden was now laid on non-official Europeans to maintain the British standards. The prestige of European non-officials had never stood so high, and would increase, but it was imperative that the community should organise itself politically. He emphasised the value of the work the European Association was doing in this direction, but pointed out that political organisations needed financial support. He appealed for this to all Europeans in India, and suggested the eventual possibility of securing full-time political representatives in each province. He urged that all Europeans should join the Association, and indicated the success that had been attained in the Doars and in Calcutta where voluntary contributions were freely given, supplementing the small subscription to the Association. He stated that the complete answer to the common question as to what the European Association was doing was found in the first of the objects of the Association as stated in the rules.

Colonel Crawford also gave an interesting account of his impressions of the Legislative Assembly, and indicated that there was need for better organisation there of European interests. He gave his views on the policy Europeans should pursue in regard to the Reforms, and maintained that their scope should not be widened until India had shown that she was prepared to work the Reforms already granted.

## CALCUTTA EUROPEAN ASSOCIATION.

On OCTOBER 16th a meeting of the European Association was held at the Grand Hotel, Calcutta. Col. Crawford made a lengthy statement of the position of the party in the Assembly, and a general discussion was held on the policy of the Association.

In the course of his speech he said that with the recent happenings at Calcutta still vivid in his memory, with the shudder of horror that went through Bengal at the encouragement given to anarchy by the notorious Serajganj Resolution, he felt that he was voicing not only their views, but the views of a large proportion of Bengal itself when he said that they desired to see the Government armed with the necessary powers to deal with a state of affairs that was once again a menace to the political life and peace of Bengal. (Applause)

Colonel Crawford viewed with considerable apprehension the proposals for increased Indianisation, but they accepted the Lee Report in its

entirety, subject always to minor adjustments of detail on the grounds that it was the best solution of the existing difficulties

He then made a roving reference to the various subjects discussed in the Assembly in which the Indian members had defeated Government and finally said that he was convinced that the military had no intention of leaving the country, that the prestige of the official authorities was very low, while that of the non-official Europeans had never stood higher. At the same time, it was very necessary to consider the question of intense organisation.

In conclusion, he said that it was up to every Britisher to preserve the traditions set by the Civil Services in the country and to see that India was made safer for all those whose duty called them to the country

#### Formation of European Party in the Assembly

Sir WILLOUGHBY CAREY in advocating the formation of a European party in the Assembly said that it was the non-official Europeans who in the next few years would have to make and see carried out a policy, not only for themselves, but for the protection of the whole country. There was a large number of educated Indians with whom they had got to reckon—clever men, clever speakers and clear thinkers. To get to know these men was the first act in formulating and carrying out a policy to meet both their views and the Europeans'.

As regards policy and organisation, they had in Simla and Delhi representatives of every big European centre in the country, and he felt it absolutely necessary that there should be a definite organisation which could assist them in working together with or without a definite leader.

Referring to the political situation in Great Britain, Sir Willoughby said that whatever party got into power, the policy of Europeans in India would be stable government, the necessity of efficient working in the interest of British and Indian trade and those of the country in general, of all parties and of the railways and civil service. If they combined on that policy he did not think they could go far wrong.

Mr W. J. S. Wilson, M. L. A., said that the real strength of non-official Europeans lay in their independence, and independence counted. For the most part they were practically though not absolutely an openly united concrete party.

#### THE BANGALORE CAMPAIGN

Colonel CRAWFORD next went to the Madras Presidency and on the 22nd October had an excellent reception at the PLANTERS' CONFERENCE, and a considerable revival of interest in the European Association was the result. He addressed the delegates from 12 Planters' Associations from all over Southern India and secured immediate support not only from their representatives present, but an assurance that all the District Associations would be approached for more general recruitment. The points touched on by Colonel Crawford were more or less similar to those dealt with at the Calcutta meeting, namely, the urgent need of European interest in Indian politics, the difficulties to be overcome by the organisation of a policy in view of their position in the Legislative Assembly, the commercial and industrial interests involved, the Lee Commission report, the general trend of legislation, labour legislation, and party fund requirements.

The outstanding points in Colonel Crawford's address were that the European Association had not been viewed with particular friendliness among the planters of Southern India. The reason for that was largely due to the "die-hard" attitude adopted by the Europeans of Bengal some two years ago. The position had now very materially changed. "But," he said, "you who live in the mofussil among people who are very largely peaceful will not forget that the European whose life is spent in Bengal lives in a political atmosphere that is absolutely rotten. He is occasionally astounded by the murder of one of his community and he is constantly faced with the knowledge that underneath there is an anarchical movement encouraged by extremist politicians. If the European in Bengal is not quite liberal in his views of what is good for India, you may be sure there is a certain amount of reason for it. While we desire to see the present instalment of Reforms go through their full period of 10 years, we are not asking anything that is 'die-hard' just as we believe 10 years is a short period in the life of a nation in which to review the working of reforms from the point of view of a further advance, so too we believe it is too short a period to say earlier than that that those reforms have failed."

"Our demand is that no change in the present Constitution shall be made that may put India outside the Empire, that may lower the present standard of administrative efficiency or leave unprotected the British and other minorities. Every single member of the European community in India must be a member of the European Association because, to take an active part in politics, it is essential that you should have a party fund. If the 70,000 non-official Europeans in India were all members of the Association, the funds at our disposal would amount to Rs 7 lakhs. Mr. Congreve (the planting member of the Council for Madras) criticised the Central Administration, stating that it is crippling the Madras Branch by taking too great a part of the funds for the work of the Central Administration. That is a subject which will come up for discussion at the annual conference."

"The Association view with apprehension the proposal for increased Indianisation, not because Swaraj is given but on principle, because it implies that a man shall get his appointment because of his race and not because of merit. If we are prepared to accept Indianisation as framed, it is equally right that Mahomedans and other communities should have their share, and merit will not count in the least."

In regard to labour legislation, Colonel Crawford said that he believed that the West were pressing on the East standards of labour which were unsuited to the East and if they were to conform to the standards of the West they were going to find themselves cut out in competition with the West. All modern employers were convinced that it was profitable to treat their labour well, but that did not mean that all the conditions which pertained to the West must be introduced in India.

#### COLONEL CRAWFORD IN MADRAS

Colonel Crawford had a successful tour in Southern India and addressed large and enthusiastic meetings at Bangalore and Trichinopoly. He addressed three meetings in Madras in the last week of October. One meeting was being organised at the request of an influential section of the Indian business communities, and at this Colonel Crawford had an opportunity of speaking to a large body of Indians interested in the constitutional advancement of the country and who valued the co-operation of European interests.

At an "at Home" given to meet Colonel Crawford by the Madras Branch of the European Association, Colonel Crawford pointed out that

the European Association was in no way anti-Indian. It stood with a policy foremost for India, and not for any selfish motive. Before closing Colonel Crawford observed that communal organisations, though often declaimed, were necessary to a certain extent, and he was of opinion that in the transitional stage of reforms, India would be properly served by communal organisations

#### BOMBAY EUROPEAN ASSOCIATION.

The Bombay Branch of the European Association held their annual meeting on the 16th December, Mr J Addyman, M.L.C. presiding.

Sir ARTHUR FROMM spoke on the present situation in India and how Europeans can affect it. In the course of his speech, he said that, excluding those who believed in violence, revolution and political obstruction, the political outlook at present did not greatly alarm him. The change which had been introduced as the result of the Reforms was inevitable and the aspirations of Indians for a greater share in the administration of their country was natural, but the question was how those aspirations might best be given effect to. His opinion was that the advance must be by stages, and there was no doubt that the present Constitution was a great advance upon what had obtained previously.

Referring to the recommendations of the Lee Commission, he expressed the opinion that they went as far as possible at present with due regard to the efficiency of the Services. He did not wish to disparage the brains and efficiency of Indians compared with Europeans, but the Civil Service had great traditions which must continue, and the chief feature of those traditions was character, which must be maintained at all costs. Many Indians, he knew, maintained that tradition of character, but they were assisted by the British element, and he deprecated a decrease of that assistance until Indians generally had the advantage of training similarly to that of the European members of the Service.

Sir Arthur emphasised the necessity of Europeans working side by side with Indians for the good of the country and said that while ensuring the preservation of British rights, they should make it clear that they were not antagonistic to India's interests and aspirations, but demanded good government for all, irrespective of caste or creed.

Major I. A. S. COOKE, Assistant General Secretary of the Association, after explaining that his mission in Bombay was to stimulate the activities of the branch, and emphasising that the Association was an All-India body, referred to the position in Bengal and said that during the last nine months people in Calcutta had been living on the edge of a volcano and possibly the situation had been brought home more strongly to the people there than in Bombay. Anarchy, like disease, sometimes spread very quickly. It had possibly not affected Bombay, but one never knew how it would spread and for that reason to be fore-warned was to be fore-armed. Lord Lytton had said that a revolutionary organisation existed. The Viceroy had said that a revolutionary society not only existed, but was known to the authorities. Mr. C. R. Das had stated that revolution was prevalent in Bengal, and Pandit Motilal Nehru had said that it existed, and the natural conclusion was that all parties were of opinion that revolutionary society did exist. That being so, it behoved all Europeans to belong to an organisation the primary object of which was the protection of Europeans and which aimed at the good government of India.

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ANNUAL GENERAL MEETING OF  
**The European Associations of India**

*CALCUTTA—12 DECEMBER 1924*

The Second Joint Annual Conference of the Central Administration and Branches of the European Association was held at 17, Stephens Court, Park Street, Calcutta, on Friday, December 12th, 1924 with Mr H. W. Carr as the Chairman. Delegates from different branches of the Association attended.

Mr. H. W. CARR in the course of his Presidential address mentioned two points of special importance. One was the question of communal representation about which they had some of the highest authorities saying that they detested communal organisation. To his mind it was perfectly obvious that in this country today no form of Government which neglected to take into consideration the question of communal differences had any chance of success, and so far as the European Association was concerned he thought and hoped that everyone would agree with him that they should stand firm to the communal nature of their organisation. What was wanted certainly in India to-day was for Indians to have the courage of their opinions and rally to stand for the constitutional side of Government.

The other point was with regard to their position in the political economy in India. When he said their position, he did not mean that of the Association only, but of Europeans as a whole. There were two ways in which they could utilise their weight. One party urged that they should go forth and try to build up a party in favour of constitutional development out here, and naturally they had a great deal on their side. They point out that Europeans were the natural leaders of the country and that it was essential that they should form a party and help Indians to follow them and lead them into the promised land. The other side urged, and this was the attitude he personally strongly advocated, that they should stand on their own as a distinct body and allow Indians to come to them. In this country there would always be two parties, at least of Indians. Both those parties would want to secure the support of the Europeans at some time or other, because there was no doubt that their weight was far greater than their numbers indicated, and he felt that they would have greater and better European influence in the Councils, local bodies and elsewhere, by holding firmly to their own principles. He was ready to shake hands with any one who agreed with those principles but the first advance must come from them. Let them occupy the place which the Irish occupied in the House of Commons for many years. Both these aspects were really in line with the policy of the Association, but he brought them up at the moment because conditions had partly changed in both these respects and consideration of them was desirable.



## RESOLUTIONS

Mr. Carr then moved the following resolution.—This conference reaffirms the policy of the Association, as enunciated in the "Quarterly Review," that whilst firmly adhering to the policy that no extension of the Government of India Act should take place prior to the appointment of the Statutory Commission of revision in 1929, this Conference considers that it is desirable that the Council, in consultation with the branches, should examine at an early date the evidence available of the working of the Reform scheme with a view to the preparation of a further memorandum on the subject"

Mr. Villiers, seconding, said that the European Association stood first and last as a definitely communal European body and while it would work with others, it absolutely declined even to consider for a moment amalgamation with any body. He referred to the question of support and stimulation of the Government in dealing firmly with individual and collective forces threatening the social and economic life of the community and said that it was a matter for congratulation that the authorities had at last given up talking and had taken action to deal with the situation in the only way in which it could be dealt with.

As regards the maintenance of the British character of the present British schools in India, Mr. Villiers said that speaking from his own experience in the local Council, he found that many Indians were against the expenditure of money on European schools and against maintaining the British character of those schools, yet those who opposed the expenditure were sufficiently illogical to do so and at the same time to accuse Europeans of being birds of passage and having no desire to settle in this country, and further to deny Europeans the right of educating their children in this country as they wished.

The resolution was carried.

## Relationship with Indians

Mr. A. M. Macdougall (Madras branch) moved —

"This Conference recommends to the Council the desirability of giving practical effect to our policy of the fostering of a relationship of cordiality and co-operation with those Indians who are working constructively for the good of India."

He said that in Madras he thought that some measure of success had been achieved through the Reforms, which, he would remind the Conference, had definitely come to stay. The attitude of the British Government was not to keep India in subjection but to move forward and teach Indians to acquire self-government. Though Europeans in India were small in numbers, they had traditions of self-government and of government by the people and were therefore best fitted to lead India towards the goal offered by the Reform scheme.

Mr. McEwan (Kankinarrah) in seconding the resolution felt that the Association could do much to help Indians. He said that in so far as personnel and influence were concerned, no other organisation had ever come within measurable distance of their Association, and that being so they had nothing to fear from working in conjunction with Indians, so long as such work was in accordance with their policy and aims. Some discussion arose as to the method whereby more practical

effect could be given to the policy of the Association in this direction Mr Macdougall accepted an amendment to substitute the words "individual members" for "the Council."

The resolution as amended was passed unanimously.

#### Party Organisation.

Mr. H. E. Watson moved the following resolution — "This Conference recommends to the European representatives in the Legislatures and on Corporations and Municipalities the desirability of strengthening by party organisation their influence in these bodies" He said that Europeans in Bengal had increased their influence in the Legislative Council and Corporation by organisation. The reason for the resolution was to suggest to Europeans in other public bodies throughout the country the benefits that might accrue from similar action on their part Mr T. J. Phelps, member for the Trades Association, seconded the resolution as giving a lead to Europeans throughout India The resolution was carried unanimously

#### Increase of Organising Staff

On the motion of Mr C B Charties (Western Bengal) a resolution to the effect that "(a) This Conference approves the increase of the organising staff as funds become available with a view to extending the present activities of the Association, and recommends that the Council call for additional funds for this purpose, (b) this Conference views with satisfaction the action being taken by non-official European bodies in Southern India to obtain a full-time organiser for political work, and expresses its hope that the organisation of individual Europeans will receive his special attention," was adopted unanimously

#### Recognition in England.

An amended resolution to the following effect was passed

(a) This Conference approves of the action of the Council in taking steps to ensure adequate recognition of the Association in political circles in England, but deprecates any commitment to a political party in England

(b) This Conference recommends that the Council arrange a bureau of information in England for the use of members in the interest of the Association

#### Efficiency of Military Forces

Colonel Crawford then moved the following resolution standing in his name — "This Conference recognises the necessity for the maintenance of an efficient military force in India for external and internal security, and is prepared to support the military policy of the Government of India, provided the military authorities can satisfy the Council on the subject of expenditure With this view this Conference recommends the formulation of the Association's views and that the same be communicated to our representatives in the Council of State and the Legislative Assembly"

Colonel Crawford drew the attention of the Conference to the fact that the military were one of the dominant factors in the future of India Indianisation of the Services was, he thought, likely to be rapid and would result in a considerable weakening in the administration and

consequently in internal peace and security, which would call for more frequent employment of military forces in support of the civil authorities. Military efficiency must be maintained and he was convinced that the non-official community was against any reduction in strength or efficiency. Difference of opinion did arise, however, over the question of expenditure and he was concerned with obtaining the satisfaction of non-official European opinion on this point, so that their representatives might give their whole-hearted support to the military policy and expenditure of the Government of India

Mr W C Currie, in seconding the resolution, said that from the taxpayer's point of view economy loomed large. By economy he did not mean retrenchment, which had been fully dealt with by Lord Inchcape. They wanted a sufficiency of troops and efficiency with economy. They wanted to be assured that loopholes for unnecessary expenditure were stopped up and would ask the military authorities to take them into their confidence and show by facts and figures that all possible steps towards economy were being attended to.

Mr. Villiers said that he desired more than an assurance from the military authorities. The military budget of India was a colossal one and, whilst they did not grudge the expenditure, they wanted to be sure they were getting their money's worth. They were aware of many instances of wasted expenditure which must be prevented.

Mr Carr said he welcomed the resolution as an instruction to the Council to use their best endeavours to put before the Association such facts and figures as would satisfy them and thus enable them to give their support to the military authorities.

The resolution was unanimously adopted.

#### Co-Operation with Anglo-Indians

Mr. Watson (Calcutta Branch) moved the following resolution — "This Conference recommends to the Council the formation of a Joint Committee of the European and Anglo-Indian and Domiciled European Associations of India and Bengal, with a view to ascertaining whether the interests of both communities are covered by the activities of the Associations named." He said that the resolution arose out of suggestions made to the Association that the activities of the European Association and the Anglo-Indian and Domiciled European Association were overlapping, many who should be members of the latter being recruited by the former. He thought a Joint Committee to discuss the question would be beneficial.

Mr. Barton in seconding said that the two Associations had co-operated on many occasions. He thought the wording of the resolution might be improved as he felt it might be read to mean that the Anglo-Indian and Domiciled European Association had not been, in the opinion of the European Association, doing its duty. After discussion an amendment was accepted substituting the words "all sections of the three communities," for the words "of both communities." The resolution thus amended was carried unanimously.

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## H. E. the Viceroy's Speech

An important speech on the political situation in India, with particular reference to the peculiar position existing in Bengal, was made by His Excellency the Viceroy at the annual dinner of the European Association held at the Saturday Club on Dec. 10, Calcutta

Speaking on the New Bengal Ordinance for the first time since its promulgation, His Excellency the Viceroy addressing the European Association said "I did not make use of the special powers vested in me as Governor-General to issue an Ordinance until every other avenue for dealing with terrorist activities had been thoroughly explored, tried, and found wanting"

Replying to the toast "the Viceroy and the Governor-General," proposed by Mr H W Carr, H E the Viceroy after thanking them first referred to the Services and the Lee Commission He said —

### The European Services.

I believe that India in the future, even in the new circumstances now prevailing, will need in numerous directions assistance of the same character in development as that received by her from the Services in the past and I am confident that, given fair rates of emoluments and conditions of service which the orders of His Majesty's Government on the Lee Commission now secure, the work to be done in India in the future will make a no less strong appeal to the young men of Great Britain than it has in the past. I earnestly trust that in the immediate future the young men from the Universities and elsewhere will follow in the footsteps of their predecessors and carry on in the same fine spirit their great work for India and the Empire.

### The Bengal Ordinance

As you may imagine, my thoughts have often during the past twelve months been directed towards Bengal and Calcutta Lord Lytton and his Government have kept me in close touch with the situation in Bengal and I have been able to appreciate to the full the many difficulties and problems that have confronted His Excellency the Governor of Bengal in an unusual degree Lord Lytton has explained very lucidly the situation which has arisen relating to the working of the Reformed constitution in Bengal and the Ministry, and the reasons for the action he has taken I shall not dwell to-night on these questions, save to draw attention to certain salient features.

Bengal has a Governor in Lord Lytton who has been animated throughout by a whole-hearted desire to give the fullest scope for the working of representative institutions in Bengal in the manner intended by the Imperial Parliament, and affording every opportunity for the operation and development of the sense of responsibility The response in some quarters has at times been depressing Patience has often been sorely tried. There have been on occasions profound disappointments in the degree of co-operation received and the extent to which confidence can be reposed in the growth of the true sense of responsibility. These

political manifestations have not been entirely confined to Bengal. They have also happened elsewhere.

Nevertheless, in accordance with the policy of His Majesty's Government, His Majesty's servants in India, I and the Government of India, Lord Lytton and the Government of Bengal, and Governors and Governments elsewhere in India, will not permit ourselves to be deflected from our course. We shall not abate our efforts to develop self-governing institutions, but shall continue along the road prescribed with a view to the progressive realisation of responsible self-government in British India as an integral part of the British Empire. In the criticism that may be passed now or hereafter on me or my Government there shall be no place for the charge or even a shadow of suggestion of lukewarmness on our part in the cause of the reforms. We remain whole-hearted in our endeavours in spite of checks and obstructions, and I know that Lord Lytton and his Government are of the same mind.

#### Anarchical Organisations.

If from one direction there have been obstacles to the smooth working of the reformed constitution in Bengal, from another source unfortunately a menace has appeared aiming at bringing the machinery itself to a standstill and at completely wrecking its power of motion. I need not dwell at length on the recent history of the organisation for violent and anarchical crime in Bengal or the deplorable loss of life and property they have caused in which Indians and Europeans, officials and private individuals were alike the victims. You have already been made familiar with the facts through the statements published by me at the time of the promulgation by me of the Bengal Ordinance and subsequently by the Governor of Bengal Lord Lytton in his recent speeches has stated the case with remarkable clearness and force. The existence of these activities is now generally admitted and the objective of their aims is beyond controversy. They are directed towards bringing orderly Government to a standstill by a series of criminal outrages upon Government officials and at terrorising the public by a succession of violent crimes. It is indisputable that a primary function of Government in any country is to protect its officers in the execution of their lawful duties and to safeguard the lives, homes and property of its citizens. But while there is unanimity on these points and while condemnation of these criminal activities has been outspoken and almost universal, there has been criticism of the methods which I and my Government and the Government of Bengal have been forced to adopt in order to carry out one of the chief and most important of the responsibilities of Government.

I shall refer to-night to some aspects only of these criticisms. There has been much public condemnation of these organisations for violent crimes and of their deeds but, at the same time, my action in issuing the ordinance has been condemned. Yet I have been unable to find in the public statements of those who condemned both, any concrete suggestion of utility as to how the activities of these violent organisations, admittedly directed against orderly government and the lives and property of citizens, are to be checked and punished and what effective steps, other than the action taken by me and for which I accept the full responsibility, could have been adopted. We cannot shut our eyes

to facts. We cannot stand by and merely wail and wring our hands while law and order founder in the flood. Condemnation of violation of the code of civilisation is not of itself sufficient. If civilisation is to live, its code must be upheld and its sanctity must be vindicated. It is true that the suggestion has been made that if a political panacea acceptable to a particular political party was adopted, violent crime would instantly cease. First, it may be questioned whether there is any solid ground for this suggestion. According to my information the aims and methods of those wedded to crime and violence are essentially different from those of political parties generally in India. I credit the latter with constructive aspirations, although I may not always agree with them. According to their declarations of policy they desire in different ways to follow methods of which humanity and civilisation will not disapprove. But the terrorists have never concealed an essentially different and sinister objective, the desire to destroy society and government and to produce chaos by the desperate methods of crime, murder and anarchy. It is idle to suppose that any political remedy will stay the progress of this malignant malady, if it proceeds unchecked. It is bound in its course to involve and destroy even political parties themselves as now understood and constituted. It is difficult to conceive the effect those responsible for those criminal organisations can hope to achieve. Further I am unable to follow the minds of those who suggest that the Government should give way to terrorism by making concessions of a drastic character notwithstanding that political agitation and argument have failed to convince the responsible authorities of their wisdom or justice. It is, I hope, unnecessary to emphasise that in no circumstances would we permit ourselves to be influenced in the faintest degree by methods of this character to a policy which had not our approval upon its merits.

My whole life and training have tended to imbue me with extreme reluctance to resort to special legislation or arming the executive authority with emergency or summary powers over and above those vested in them by the ordinary law, except in the face of sheer necessity. You may be assured that I did not make use of the special powers vested in me as Governor-General of issuing an ordinance, until every other avenue for dealing with these activities as dangerous not only to Bengal but to the whole of India had been thoroughly explored, tried and found ineffective. Under the constitution of India the responsibility of promulgating exceptional measures to meet exceptional dangers rests upon the Governor-General. He must not in my judgment act merely upon the request or information or advice of another Government or of a Governor, however high the value the Governor-General sets upon their opinions. He must satisfy himself by every means in his power of the emergency and of the necessity for use of his special powers, but when once he is convinced it is his duty to take action. The ordinance was only issued when I was satisfied of the magnitude and urgency of the crisis and of the widespread character of the organisation and when it was clear that all the other methods which my Government and the Government of Bengal had tried for some time past had not succeeded in checking their activities.

I have seen it suggested that the issue of the ordinance was kept back until the Indian Legislature had been prorogued. There is no

foundation for this suggestion. When the season ended in September last, the case was not complete for the issue of an ordinance. The situation was still under examination. The greatest care was being exercised to ascertain all the facts and their significance and to discuss all possible administrative measures for the prevention of violent crime. When at the end of October, I was satisfied that the ordinary law was inadequate and in some aspects impotent to meet the altogether exceptional crisis, I promulgated the ordinance. In case of misapprehension let me add what must be self-evident. Once the existence of the emergency had been established, it became imperative to take action without informing malefactors of the intended step by public statement and discussion. I made clear in my published statement that my action was immediately necessary but it provided merely a temporary remedy to meet the requirements of the moment. As you have been made aware by Lord Lytton, the Bengal Legislature will shortly be summoned to consider the more permanent steps needed to control and prevent violent crime in Bengal and the necessary legislative measures are already under consideration of the Government of Bengal. The representatives of the people of Bengal will accordingly have the opportunity of considering the measures required to eradicate this menace from their province. I trust that in their deliberations they will fully bear in mind the supreme necessity for the maintenance of law and order and the safeguarding of life and home and property in the Presidency and the responsibility towards their fellowmen which lies upon them.

#### The Swaraj Party.

It has also been alleged that the ordinance is a measure directed against the Swaraj Party and specially devised for their destruction. Those who have made this charge must be under some misapprehension. They cannot have devoted any study to the measure, and have given expression to a wholly inaccurate statement. There is not the slightest foundation for it. On the contrary, the greatest care has been directed to confine the operation of the Ordinance to the prevention of violent crime and to dealing only with individuals and organisations engaged in preparations and plans for violent criminal outrages. Peaceful citizens and those who hold aloof from such connections have nothing to apprehend from the measure. They may pursue their avocations without fear. Political parties cannot in any way fall within its scope, if, as I assume, they refrain from association with criminal conspiracy with the object of terrorism. I am confident that any political party in India which has the welfare of India at heart and knows the facts as I know them, and as they are generally known to those who have studied them, will disclaim any common ground of sympathy or any common ground of activity for the terrorist movement.

Concluding his speech the Viceroy said —

Here I must leave the subject which has already formed the theme of several notable speeches by Lord Lytton, who has dealt with all its phases and with complete understanding of the situation. From the position I occupy as Governor General I am bound to survey the ground with a wider horizon than that of Bengal. Highly important as the Presidency is, the reactions upon India generally have been

throughout present to my mind. No relevant factor has to my knowledge been left out of consideration. My conclusions have been formed neither in haste nor with narrow vision I became convinced that action was imperatively required and I trust that it will prevail over the forces of violent crime and terrorism I know that my Government and the Government of Bengal can count in the fullest degree on the European community for support in this and in all measures directed to preserve the stability of the Government and the tranquility of the country Your Association has in the clearest terms expressed its views and I am grateful for its support.

#### The Reforms Enquiry Committee

Referring next to the Reforms Enquiry Committee His Excellency said —

I must not attempt to forecast the recommendations which we may make to His Majesty's Government Let me, however, draw attention to an important aspect of the situation which should always be borne in mind. His Majesty's Government in 1919 laid down and announced a policy as regards India which had been agreed to by all political parties in England There has been no change in that policy Perhaps the best testimony is that during the period of my office of over three and a half years I have acted with five different Governments of His Majesty—with Mr Lloyd George, Mr Bonar Law, Mr Baldwin, Mr Ramsay MacDonald and again Mr Baldwin, respectively—and the fundamental policy of the Reforms in India has throughout remained unaltered. My Government and the Provincial Governments are entrusted with the responsibility of carrying that policy into execution If anything operates to interfere with its processes or obstructs its working smoothly, my Government would deem it right to inquire into the matter It was with this end in view and with the approval of His Majesty's Government, as then constituted, that we took action and appointed a Committee to investigate the feasibility and desirability of securing remedies for any difficulties or defects found to exist as a result of the inquiry It was not our purpose to propose a new policy to His Majesty's Government but to indicate with reference to the working of the Reforms any remedies required, consistent with the structure, policy and purpose of the Act Steps travelling further belong to a different category The time and manner of taking any such steps are matters which can only be determined by the British Parliament The factors which will guide Parliament have been stated in the preamble of the Act and they include the consideration of those very points on which your Association in the letter I have mentioned appears to be under some apprehension You may, therefore, rest assured that when the time comes they will be very fully examined

It is profoundly to be regretted that many Indian politicians and leaders of thought seem to attach little or no importance to the necessity of affording testimony to Britain of that co-operation and goodwill alluded to by you and the absence of which you deplore I lament the fact, but unfortunately I cannot altogether refute your observations. It is difficult to understand the purpose of those who, according to their protestations, seek the advancement of India and yet seem to



often to revel in attacking the British people and imputing evil motives to them in relation to India. I am well aware that these utterances do not truly represent Indian opinion, for my experience in India has taught me that there is a wealth of real loyalty and trust in the British Government which animates vast numbers of the people of India. But yet by the reiteration of those utterances, attention is attracted to them out of proportion to their just value, they make an unhappy impression and are frequently followed by what I conceive to be unwise action. They tend to check and counteract the efforts of all those thinking men in India and Britain whose purpose it is to help India to greater destinies and to her ultimate goal. For years it has been the aim of the British Government to spread education, to widen the bounds of understanding and self-respect, to improve the material condition of the people of India, to enlarge capacity and to foster the sense of responsibility and pride in stable government. It has been the hope of the British people that by stages India might advance to the realisation of responsible self-government within the Empire. Nor, if I have read India's aspirations aright, has she any other aim. It is earnestly to be hoped that better counsels may yet prevail and that there may be greater unity of effort in India to bring the Indian and British peoples into closer and more harmonious relations to the end that India may reap the advantage of Britain's sympathetic efforts for India's welfare and happiness and that Britain and India may march forward, hand in hand, to the consummation of their ideal of a prosperous and contented India with responsible self-government, taking her stand proudly and determinedly among the great commonwealth of nations called the British Empire.

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# ANNUAL MEETING OF THE Associated Chambers of Commerce

*CALCUTTA—15TH DECEMBER 1924*

On Dec 15th the Viceroy opened the Annual Session of the Associated Chambers of Commerce. The Governor of Bengal, Sir Charles Innes, Sir Basil Blackett, Mr A. C Chatterjee and several other distinguished visitors attended. Excepting the Ceylon, Northern India and Tellicherry Chambers of Commerce, all the other Chambers were represented at the Conference.

The following delegates attended —

Bengal Chamber of Commerce—Mr William O Currie M L C, President, Mr. Kenneth Campbell, Mr R N Band M L C., Sir Willoughby Carey M L C, Messrs J B Crichton, H C Edmondson, B E G Eddis M L C, Colonel G R Hearn D S O, Mr F V Rushforth, Messrs S A Skinner M L C, J A. Tassie and L. S Taylor

Bombay Chamber of Commerce—Messrs L S Hudson M L C, and Mr C. B. Sayer

Burma Chamber of Commerce—Mr D E G Eddis M L C

Calcut Chamber of Commerce—Sir James Simpson M L C

Chittagong Chamber of Commerce—Mr A R Leishman V. D, Rai Upendra Lal Roy Bahadur

Cocanada Chamber of Commerce—Mr C. Hodding

Cochin Chamber of Commerce—Sir James Simpson M L C

Coimbatore Chamber of Commerce—Mr G W Chambers

Karachi Chamber of Commerce—Mr H G Houghton

Madras Chamber of Commerce—Sir James Simpson M L C, Mr. G W Chambers

Naraingunge Chamber of Commerce—Mr J A Delisle M L C

Punjab Chamber of Commerce—Mr P Mukherjee

Tuticorin Chamber of Commerce—Mr J J Flockhart

Upper India Chamber of Commerce—Mr S H Taylor, Sir Thomas Smith, M L C, Mr J G Ryan.

H E Lord Reading, in opening the Conference, said —

It is a great pleasure to me, as I know it is also to Lord Lytton, to be present at your annual meeting to day. I know that the members of my Government also greatly appreciate the opportunities given by this annual gathering of the representatives of the various Chambers and discussing with them those interests which are alike of such importance to the members of the Chambers and to the commercial prosperity of India. Two years have passed since I last had the pleasure of meeting the members of the Associated Chambers of Commerce and of addressing you at your annual meeting. Last year in December, when your annual meeting was being held in Bombay, I was touring in Southern India. Nevertheless I was not entirely shut off from questions of concern to you as the Madras Chamber of Commerce presented me with an address on commercial subjects to which I had the pleasure of replying a little later. I concluded that tour with a visit to Burma, and I gained some first-hand experience of its great wealth of natural products and resources. I also had the opportunity of seeing Rangoon,

which has grown up and developed within the memory of the present generation in a marvellously short space of time to rank among the important ports and commercial centres of the Empire.

### Trade Prospects.

When I last addressed you I made some observations regarding the economic situation and trade prospects. You no doubt felt at the time that my remarks were, generally speaking, not of a very cheering nature, and were only occasionally enlivened by a very strictly guarded vein of optimism. The shadow of the upheaval of the Great War was then still lying over India. Trade was dull and the future appeared uncertain. Nevertheless, I discussed at the time some satisfactory features in the situation which emboldened me to entertain hopes for the future, and I was able to perceive some rays of light from the coming dawn beginning to illuminate the general darkness and obscurity of the outlook. I am glad that these anticipations have been more than realized. Since then there has been steady progress towards a return to normal conditions. The steady revival of trade has been a source of great gratification to me.

In the first six months of 1922, India's imports were Rs 111 crores and her exports Rs. 142 crores, making a total of Rs 253 crores. The figures for the corresponding period in the present year are Rs 123, Rs 169 and Rs 292 crores respectively. The total sea-borne trade of India is greater for the first six months of the present year by Rs 18 crores than it was for the same period last year and exceeds the figure for this period in 1922 by Rs. 39 crores. This is eminently satisfactory.

Turning to internal trade, I find the same signs of prosperity. The increase of Rs 4½ crores in our gross railway receipts as compared with last year indicates a general revival of activity and prosperity. The general improvement is reflected in the fact that my Government were able to present a balanced Budget last year. It is too early to forecast the coming Budget, but without undue optimism, I may observe that crop prospects at the moment are generally good and that the omens are favourable.

As I am speaking in Calcutta, let me dwell for a moment upon the industries of special interest to Calcutta. Though jute mills are still working short time, I understand the industry is passing through a period of quite exceptional prosperity. Tea has made a dramatic recovery. In 1920 the tea trade touched the depths of a period of deep depression. It has, however, risen again to the surface and is now basking in the sunshine of abundant prosperity. I cannot too highly commend the grit and courage of those connected with the industry who have brought it through the bad times to the good. Coal is not for the moment, unfortunately, in as flourishing a condition. The difficulty is no longer one of inadequate transport facilities, but is connected with a slackness of demand for the supply. It is hoped that the Coal Committee which is now investigating this question, among others, will be able to suggest a method by which the export coal markets may be recovered. During my stay in Calcutta on this occasion I am glad to say that I have been able to pay a visit to the coal-

fields\* and I was greatly interested in all I saw and impressed with the progress in organisation and development achieved. I am now in a better position to visualise the problems connected with an industry which will always command my attention and sympathy

#### Exchange and Currency

On the subject of exchange and currency I know you will not expect me to say much. There are hopeful signs in Europe today of economic convalescence, and the time seems at last to be drawing near when the more stable currencies of the world will once again bear a fixed relation to gold, and when India, too, may hope to see an end of the period of wide fluctuations in exchange. But that time has not yet arrived, and until we can say with confidence that the time for action has come, it is, I think, desirable that India's currency policy should remain a policy of watchfulness, and that no final commitments should be entered into. I am watching the movements of the money markets and exchanges of the world closely, in order that the right moment may not be missed by India. Meanwhile, in India itself I am endeavouring so to manage our currency situation during the period of transition, with the able assistance of my Finance Member, that we may avoid, on the one hand, all risks of relapse in the direction of inflation, and, on the other hand, meet all reasonable demands for currency during the busy season. I have reason to feel hopeful that we may be able to win through the winter and spring of 1924-25, under conditions of somewhat less acute stringency in the money market than prevailed a year ago. Apart from the special provisions for the issue of emergency currency which were provided by the Paper Currency Act of 1923, the Government of India are ready to use to the full their powers to issue additional currency against sterling securities purchased for the Paper Currency Reserve, so long as exchange shows reasonable strength. We have already issued Rs. 3 crores of additional currency under those powers during the past two months. Further, the Government intend to propose legislation next session in Delhi to extend those powers in order that there may be no doubt of their ability to meet all legitimate demands, should the season be a specially busy one and the demand for circulation in India particularly active. I am happy to see in the increased confidence which is manifesting itself in business and commercial circles a proof that they appreciate the action which the Government have taken, and are taking, in this difficult sphere.

#### Steel Protection Act

Your Chambers naturally take a direct interest in fiscal questions. The most important measure of this kind which has been passed since I last addressed you is the Steel Industry (Protection) Act. It was based on the very careful and able investigation into the conditions of the industry conducted by the Tariff Board. Its effect was to impose heavy protective duties, but the protection which the Act was destined to afford has subsequently proved ineffective, mainly owing to the rapid and marked fall in the prices of Continental steel. The Tariff Board in consequence have made further investigations, and, as you are aware,

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\* H. E. The Viceroy paid only the week before a flying visit to the coal-fields of the Dhanbad District.

my Government has now accepted their finding that a further measure of protection is required. My Government has published a resolution setting forth its conclusions and proposals. The latter take the form of bounties in lieu of additional duties, and will be placed before the Legislative Assembly next month. I earnestly hope that the liberal measure of assistance we propose will ensure the prosperous progress of the steel industry in future.

As regards Protection generally, let me remove any doubts which may exist as regards the position. My Government steadfastly adhere to the policy we adopted and announced when we accepted the main recommendation of the Fiscal Commission Report. There is no question of a wholesale adoption of indiscriminate Protection. Every industry that demands protection is required to prove its case in public before an impartial board. So far, the results of this policy have been gratifying. The applications for protection have not been unduly numerous, and there are signs that the careful and reasoned examination of each case by the Board is having a real educative effect. Protection is no longer loosely regarded in India as an abstract proposition, easy of application to every case and as a panacea for all kinds of economic difficulties, and the thinking public in India have begun to look at it in the right light, to treat it as a strictly practical question, and to realise that its application in any case can only be justified by the strict merits of the case itself.

#### Separation of Railway Finance.

Another important change of interest to your Chambers relates to the separation of railway finance. I have little to add to the observations I made on the subject to the Railway Conference at Simla. I believe the decision arrived at represented a fair solution, and I am confident that it will result in benefit both to the railways and those who use them. It is not easy to hold the balance evenly between the claim of the general taxpayer and railway interests, but there is no doubt that under the previous system, where railway earnings went into the general exchequer and money for railways was voted each year, the railways were crippled in development and there was little incentive for initiative, improvement or economy in working. It was clear that communications were unduly taxed to swell receipts from general revenues. I am satisfied that under the new system sufficient control is maintained, and the State will continue to receive a fair and stable return on the money invested in railways, while at the same time the railways have real incentive to work on economic, efficient and commercial lines.

#### Vizagapatam Harbour Scheme.

A perusal of your agenda tempts me to wander off into many interesting subjects, but time will not permit of these digressions and I shall content myself with a brief reference to one or two points on which I may be able to add to the information available upon some of the topics before discussion takes place. My Government regards the Vizagapatam harbour scheme as a scheme of first importance. At present there is no harbour for ocean-going steamers on the 900 miles of the east coast of India which separates Calcutta from Madras. There has been delay in completing the examination of the scheme, because it was

inextricably bound up with the question of a new line of railway from Raipur to Vizianagram. The port could be of little use unless the railway was built, and the railway would not pay its way without the port. The examination of these connecting problems have, however, now been completed, and proposals have been formulated which will shortly be referred to the Secretary of State.

#### Trades Union Legislation.

Two items on the agenda refer to legislation regarding trades union and trades disputes. As regards the former Bill, the position is that after consultation with local Governments, my Government have reached provisional conclusions which have been embodied in a Bill. The Bill has been published and circulated with an explanatory letter, and it is intended to introduce it with such modifications as may appear desirable in the light of criticism received, in the ensuing Delhi session of the Legislative Assembly. The Bill provides for taking simple steps to recognise the right of association among workers, and to give association of this character a definite legal status. The Bill may be considered in some quarters as premature, but there is obviously something to be said for taking preliminary measures at the outset to deal with the trades union movement in India on sound lines. The movement can hardly fail to assume importance in the future. Your Associated Chambers were in favour of Government taking up the question of preventing trade disputes simultaneously with any legislation relating to trades unions. The provisional conclusions of my Government as regards trade disputes have also been embodied in a Bill which has been published and circulated with an explanatory letter to invite criticism. From the opinions received up to now, it appears that the provisions of the Trades Union Bill have received a considerable measure of approval, but some criticisms have been directed against several of the clauses of the Trades Disputes Bill, particularly those in relation to strikes in the utility services. Let me make it clear that the views of my Government as expressed in those Bills are tentative only, and my Government will welcome criticisms and suggestions for improvement and are prepared to make such changes in these Bills as may appear desirable in the light of the comments received.

#### Stores Purchase.

As regards stores purchase, let me assure you that my Government have not dismissed from consideration the resolutions which the Associated Chambers and the Legislative Assembly passed on the subject, but are carefully examining at the present moment the changes in the directions advocated by the resolutions which they would be justified in commending to the Secretary of State. You are aware that it is particularly necessary in this case to be sure of the ground before changes can be proposed. Since these resolutions were passed the new Stores Purchase Rules have been promulgated. You will have observed that these rules to some extent liberalise the system of stores purchase, more particularly by enabling the purchase of plant and machinery from branches and technical agents in India of approved manufacturing firms elsewhere. In the matter of policy, this is a step in the direction to which the resolutions pointed. I have been somewhat disappointed as regards

the delay in the revision of the insurance law in India. The draft Bill which was intended to regulate all forms of insurance in India has been ready for some time, but my Government, after its preparation, received information that the Board of Trade had appointed an expert committee in England to consider the English Assurance Act on which our law in India is based, and to report what alterations are required to bring it into accord with modern requirements. It is obvious that my Government must await the results of the expert examinations now being conducted in England before proceeding with our Bill.

If in this direction I must be content to mark time, I am glad to be able to inform you that the Civil Justice Committee, which was appointed in February last as a result of certain observations made by me at your annual meeting two years ago, have completed their enquiry, and Mr Justice Ranken hopes to be able to present their report, which will deal in particular with the machinery for commercial suits, before the end of the year. I cannot too highly commend the care and expedition which have marked the labours of this Committee.

#### Revision of Shipping Laws.

I know that your Chambers consider the question of ports shipping to be of first importance. You will have observed that my Government has recently held a conference on the subject. There has been some misconception as to the scope of that conference. Let me make it clear that the conference was only a preliminary conference regarding this very difficult and important subject. My Government is engaged on overhauling the merchant shipping law in India much of which dates to a period anterior to 1817 and is in some respects, as you are aware, out of date and sadly in need of amendment. There is, in addition, the question of the connection of the Central Government with the direct administration of navigation ports, shipping and port trusts, and the method by which these matters can be controlled and administered. Future development and improvement must largely depend for its success on the establishment of clear and well-defined system of administration and recognition of spheres of responsibility before constructive changes could be devised. It was necessary to explore these difficult subjects to clear up misunderstandings and to arrive at some provisional conclusions in discussion with provincial representatives. By this means alone could the useful work of revision of our shipping laws proceed. The result of the preliminary conference, I am glad to say, has been satisfactory, and several misconceptions have been removed and a clearer vision of the main principle involved has been obtained. My Government is now in a position to be able to begin to formulate concrete proposals. I need scarcely add that when proposals have been formulated, the local Governments and commercial communities will be given the fullest opportunity for examination, criticism and suggestion.

#### Political Situation.

I do not propose to dwell on the political situation in India to-day as I have already spoken on the subject at length since my arrival in Calcutta a week ago. To what I have said I need only add that I am confident that in the main object the Government have in view they have the firm support of the commercial communities in India. Commerce

best thrives under conditions where there is external and internal peace, where there is respect for law and order, where the Government receives support from its citizens in the discharge of its primary duties and functions, where there is steady normal and material progress among the people, where the nation grows in unity and self-respect and where, in consequence, the good name of a country stands high in the estimation of its neighbours. Anything that may occur to give a set back to the establishment and maintenance of these conditions threatens the very life of commerce, and destroys the delicate fabric of credit and trust with which all commerce is interwoven.

I have spoken to-day of a trade revival. I have dwelt on the hopes for a period of commercial activity to which the commercial communities, the Government and the country alike eagerly look forward. I earnestly trust that the cloud of unrest may arise to obscure that horizon towards which we have turned our eyes, and that all classes in the country will unite to strive for peaceful and constitutional progress in India, and for the development of those great natural resources with which India, among the countries of the Empire, has been so abundantly endowed.

## RESOLUTIONS.

The following resolutions were adopted by the Associated Chambers of Commerce after the Viceroy's Address

### 1 On Currency Policy

One of the resolutions moved by the Bengal Chamber of Commerce considered the present arrangement for the supply of currency in India inadequate and urged the Government of India to take steps to provide for such permanent increase as might be necessary to meet the requirements of the country.

In moving the resolution Mr. F. V. Rushforth said —The question remains What can be done with regard to currency under existing conditions? Currency can be obtained only in exchange for gold at Currency Offices, an obviously ineffective source of supply, or by Government issuing rupees against their own or sterling securities. These are, of course, apart from the provision of emergency currency with which we have nothing to say at the present time. Unless, therefore, Government choose to issue rupees the country can only obtain them by taking them from the Imperial Bank, which has actually been happening and which, if the process continues, may have disastrous consequences. It has recently been stated in the Press that the Government are contemplating the issue of a Currency Bill. It is clear that the initiative for the creation of currency must come from Government and the Bengal Chamber do not wish to make any definite suggestions as to methods, which may have to be varied from time to time to suit changing conditions. We are aware that an unscrupulous Government might abuse the powers to create money and that a mere increase of currency, which is not justified by conditions generally, would only result in a depreciation of the currency.



## 2. The Stores Purchase System.

Mr. S. A. Skinner moved —

"That the present system under which stores are purchased for Government requirements in India by the Indian Stores Department and other purchasing authorities and in the United Kingdom by the Director-General of Stores is not in the best interest of the country, that for it there should be substituted a system of rupee tender in India for delivery in India with the publication of the results in every case, and that this system should be administered exclusively by the Indian Stores Department and other purchasing authorities in India, where arrangements should be made for the requisite test and inspection of the goods purchased and payment therefor."

This was the same resolution as that adopted last year by the Association at Bombay

## 3. Coal Committee's Inquiry.

Sir Thomas Smith moved —

"That in the opinion of this Association the terms of reference to the Coal Committee now sitting are inadequate in their scope and that they ignore the interests of coal users in India. This Association therefore strongly urges on Government the necessity for supplementing the present inquiry by a direction that the Coal Committee shall consider the steps to be taken to secure an adequate supply of coal for the needs of the industries established in the country, including the possibility of reducing railway freights in respect of long-distance industrial centres."

## 4. Negotiable Instruments Act.

Mr. L. S. Hudson moved —

"That having regard to the decision delivered on August 18, 1924, by the Appeal Bench of the Bombay High Court, this Association requests the Government of India to take immediate steps to get the Negotiable Instruments Act 1881 amended by the Legislature in such a manner that it will give effect to the ordinary commercial practice of treating bearer drafts, hundies and cheques as negotiable by delivery in all circumstances, irrespective of any endorsements that may be made thereon."

## 5. Customs Duty on Government Stores.

Mr. S. H. Taylor moved —

"(a) That in the opinion of this Association the notification issued by Government on July 10, 1924, in exercise of the powers conferred by section 23 of the Sea Customs Act, and exempting from import duty certain articles of military use, tends to defeat the purposes of the undertaking given by Government to this Association, and to the public, that Government stores would be treated for Customs purposes like any other imports. (b) That in the opinion of this Association the exercise of powers under section 23 of the Sea Customs Act should, in future, be severely curtailed and in practice be strictly limited to articles such as military arms and ammunition, the production and supply of which are the monopoly of Government."

## 6 Vizagapatam Harbour.

Sir James Simpson moved —

"That this Association views with concern the lack of progress in the project for the construction of the Harbour at Vizagapatam and the inter-dependent Railway connection to Raipur and urges that Government will have the work of construction commenced without further delay or a statement issued explaining the cause of delay "

## 7 Indian Income Tax Act

Mr. Kenneth Campbell moved — "That a representation be forthwith made by this Association to the Government of India with the object of bringing about such an amendment of the law as may be necessary in order to admit of appeals to the Privy Council against the decisions of the Indian High Courts on matters referred to them under section 66 of the Indian Income Tax Act, 1922. "

## 8. The Telegraph Service.

Mr H. G. Houghton moved — "That this Association desires to bring to the notice of Government that — (a) the inland telegraphs have not yet re-attained their pre-war reliability and rapidity, much less made the improvement in transmission and delivery that the public might reasonably expect to-day, (b) that in view of the high cost of messages (express messages alone performing true telegraphic functions) improvements in all respects should be financially possible, (c) and that special measures should be immediately taken for such purpose "

## 9 Customs Administration

Mr. Kenneth Campbell moved — "This Association recommends that in view of the heavy import duties which now prevail, an immediate investigation should be made into the Customs Department with a view to the employment of a more highly qualified staff."

## 10 Postage Rates.

Sir James Simpson moved — "This Association invites the attention of Government to the high rates of postage now current in India. Should it not be possible to reduce inland rates, having regard to the fact that postage from England to India is three half pence as against 2 annas from India to England, it is strongly urged that the Indian rates be brought into line. It is further pointed out that the minimum foreign postage rate from India has been increased from 2½ annas to 3 annas which is excessive "

## 11. Construction of Feeder Lines.

Mr. H. G. Houghton moved — "This Association views with concern the position of uncertainty which exists in regard to the attitude of Government towards the construction of feeder lines of railway by private enterprise and urges that a definite decision be arrived at as soon as possible. In this connection, this Association places on record its opinion that the development of the country should be the first consideration and that if private enterprise puts forward sound schemes which Government do not propose to undertake without delay, private enterprise should be allowed to carry them out and be given every possible facility and inducement to do so."

## 12. Foreign Cables.

Mr. J. A. Tassie moved — "That in the opinion of this Association the system whereby foreign urgent cables are charged at triple rates imposes a serious disability on the commercial community, that this is a disability which ought, in the interests of trade and commerce, to be removed at the earliest possible moment, and that this Association accordingly resolves strongly to urge the Government of India to press for the immediate and universal abolition of the system."

The meeting of the Associated Chambers of Commerce resumed its sitting on the 16th. December. Mr. W. C. Currie, President of the Bengal Chamber of Commerce, presided.

## 13. Workmen's Compensation.

Sir Willoughby Carey on behalf of the Bengal Chamber moved "That this Association accepts the principle of development on sound and healthy lines of trade unionism in India, and that with this end in view it supports the legislative proposals of the Government of India, subject to the following qualifications, namely, that registration should be compulsorily enforced in respect of every trade union, that political purposes should be definitely excluded from the scope of the activities of every union, that picketing should be declared to be illegal and that no immunity should be afforded to unions to relieve them of collective responsibility for acts committed by their members as contemplated in Sub-Section II of Section 17 of the draft Bill"

He said that genuine combinations of workers, formed with the object of advancing the prosperity of the workers and not with the object of creating discord, would be welcomed by most employers of labour. Unless registration was made compulsory very few unions would register, and the existing state of affairs would continue and so the main object of the Bill would not be attained. Unregistered trade unions in this country might easily resolve themselves into nothing short of organisations of agitators for political ends.

Mr. A. C. Chatterjee said the Government had invited the opinions of public bodies and would proceed very soon to consider them. As usual the Government would attach very high importance to the opinions expressed by commercial bodies and industrial associations, and particularly by that association

## 5. Workmen's Compensation

Sir Willoughby Carey on behalf of the Bengal Chamber moved —

"Having regard to the item on the agenda for the International Labour Conference to be held at Geneva in 1925 with reference to workmen's compensation, insurance, and the questionnaire issued by the International Labour Board to Governments throughout the world which indicates an intention to attempt to standardise the general principles and fundamental provisions of legislation relative to workmen's compensation, this Association resolves to take steps to give expression to its opinion that, so far as India is concerned, the proposed standardisation would be premature and inappropriate. Premature because legislation awarding compensation for injuries from industrial accidents was first

introduced into India in July 1924 and is now in a probationary stage only, and inappropriate because the industrial and social conditions of the Indian workmen are of necessity, and in the interests of their welfare, different in relevant and important respects from those of persons similarly engaged in other countries"

#### 15 Administration of Indian Ports

Sir Willoughby Carey on behalf of the Bengal Chamber moved —

"That this Association accepts the principle of centralising the administration of Indian ports, in so far as regards the broad questions of policy, but that it disapproves of any attempt being made by the central authority to interfere with the details of port administration, for the reason that such would be certain to lead to inefficiency in port working and to delays in the despatch of ordinary business, and that it is strongly of opinion that central control of ports should be vested in an adequately organised Marine Department of the Government of India"

#### 16. Railway Freight on Coal

Mr P Mookerjee of the Punjab Chamber moved —

"That in view of the fact that the present high rate of railway freight on coal prejudicially affects the maintenance and development of industrial concerns in Northern India and those situated at a great distance from the Bengal and Bihar coal-fields, this Association strongly urges the Government of India to take immediate action substantially to reduce the railway freight on coal carried over long distances"

#### 17. Reference to Government

Sir James Simpson on behalf of the Madras Chamber moved —

"That this Association invites the attention of the Government to the very inadequate time allowed to the Chambers of Commerce and other public bodies for an expression of opinion on questions of great public importance referred to them. In several recent instances the time allowed for submission of replies has been insufficient to enable the considered opinion of members to be taken on subjects discussed in the meeting

The Hon. Sir Charles Innes said that the wishes of the Association, as set out in the resolution, would be met as far as practicable

When the Conference reassembled after lunch, Sir Frederick Whyte communicated on behalf of the Viceroy, an appeal to deal with the problem of leprosy in India

The Conference passed resolutions disapproving of the revised packing conditions on Indian railways, and urging that representations be made by the Government of India to the Colonial Office, whereby the present regulations necessitating the purchase of public requirements for His Majesty's Crown Colonies through Crown Agents in London be so modified that the Colonies would be free to purchase their requirements either in the local market or abroad as was the case until the year 1905

The Conference then dissolved

#### Proposed Trades Disputes Legislation

Sir Willoughby Carey on behalf of the Bengal Chamber moved the following resolution, but it was subsequently withdrawn at the request of the Hon Mr A C Chatterjee

“That in view of the present undeveloped state of trade unionism in India, and of the consequent difficulty of enforcing awards in trade disputes, it is, in the opinion of this Association, premature for the Government of India to undertake legislation on the lines of their proposed Trade Disputes Bill.”

Mr L. S. Hudson and Sir Thomas Smith supported the resolution on behalf of the Bombay and Upper India Chambers respectively

The Hon. Mr A C Chatterjee said that when he saw this resolution he thought it unkind of the Associated Chambers to take Government to task for doing what the Associated Chambers insisted on their doing. The Bill might be a bad Bill but the Government had done their very best to comply with the request of the Associated Chambers, and in preparing it the Government were quite open to argument with regard to the provisions of the Bill

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CONGRESS & CONFERENCES  
1924



# The Indian National Congress

BELGAUM—DECEMBER 1924

The THIRTY-NINTH SESSION of the INDIAN NATIONAL CONGRESS was held at Belgaum on the 26TH DECEMBER 1924 with Mahatma Gandhi as the President. It was "par excellence" a Unity Congress which, coming after the Delhi and Bombay Unity Conferences, sought to bring together the larger unity between all the political parties in the country. Invitations were sent to all the other parties, besides the Congress party, suggesting that for the sake of this unity they all should hold their annual Conferences at Belgaum. To this Dr Besant and the Non-Brahmans agreed, but the Liberals had already made arrangements complete at Lucknow.

Before the actual sitting of the Congress on the 26th, preliminary meetings of the different parties in the Congress were called. Informal Conferences were held amongst the No-Changers and Swarajists even so early as from the 20th December. On that day M. Gandhi met the No-changers and gauged their feeling on the Calcutta Pact which was going to be the one great subject at the forthcoming Congress.

This consultation with the No-Changers helped M. Gandhi to ascertain the strength of his following in respect of the Khaddar programme. Indeed throughout the conversations he placed the Charka in the forefront as an answer both to his critics and sceptics. But it was on the spinning franchise instead of the four anna franchise that the discussions mostly centred. Indeed, this was the point which M. Gandhi claimed as a set-off against his readiness to suspend the Non-co-operation movement and the recognition of the Swarajists as Congressmen who could work in the Councils on behalf of the Congress. M. Gandhi was reported to have declared before the No-changers that the Spinning Franchise was his minimum demand and if this was not agreed to by all Congressmen, whether Swarajists or Non-Swarajists, pro-Changers or No-Changers, then he would not lead the Congress. He believed that the Swarajists would themselves willingly spin at least 2,000 yards yarn each. Several delegates questioned him on the language of the terms of his agreement with Messrs Das and Nehru over this question. But M. Gandhi explained his interpretation of the language and hoped that the words "unwillingness and inability" (in the case of exemptions) would not be taken advantage of to secure membership of the Congress. On the whole, the Mahatma put in a vigorous defence of his position in respect of the franchise part of the Calcutta Agreement and was able to secure support of nearly all those present at the discussion. When voting was taken there were only about twelve dissentients among 200 No-Changers to the franchise part of the Calcutta Pact.

Similar was the voting in respect of the other parts of the agreement, namely, whether the Non-co-operation programme should be suspended and whether the Swarajists should be an integral part of the Congress organisation. M. Gandhi justified the necessity for these two conditions. Suspension of the movement started by him was necessary, he said, in order to concentrate people's attention on the Spinning Programme, which was the only programme that would appeal to the masses. He personally was a thorough-going Non-co-operator but



it was with a view not only to rivet people's attention but also to bring about unity between the Swarajists and non-Swarajists that he considered suspension of several forms of boycott contained in the Non-co-operation programme necessary. If any one could bring forward a better programme, then he would gladly support it. But, at present unity was essential, and this could best be achieved by suspending Non-co-operation. The boycott movement had done a lot of good and he did not consider that it had failed. But, he was sorry, success was not so great as he expected. Non-co-operation as a programme had not been abandoned, it was only to be suspended as a policy. He, therefore, asked the No-Changers to support this part of the agreement as well, which they did.

On the question of the Swarajists acting in the Councils and speaking on behalf of the Congress, several delegates raised an objection. M. Gandhi while agreeing to the argument that the language in the Pact was somewhat vague, urged that it need not deter them from accepting the terms. The Swarajists might be in the Councils speaking on behalf of the Congress, but they could not claim the consent of the No-changers in their actions. He appealed to all those present not to divide the Congress on this question. Towards the close of the meeting M. Gandhi obtained signatures of practically all those present pledging that they would themselves spin.

### The A. I. C. C. Meeting.

The newly constituted All-India Congress Committee met on the 23rd December in the Subjects Committee Pandal, Maulana Mahomed Ali, the outgoing President, presiding. There were about 150 members present and a large number of visitors were also permitted to be present and watch the proceedings of the Committee. The report of the work done by the Committee during the last year was presented by the Secretaries and adopted. On the motion of Maulana Mahomed Ali Mahatma Gandhi took the presidential seat. Mr. Konda Venkatappaya proposed a hearty vote of thanks to the outgoing President which was further duly seconded and carried. Before proceeding Mahatma Gandhi ascertained by show of hands for his confirmation that there were present about 57 or 58 Swarajists and 65 non-Swarajists and then proceeded to address the Committee. He said —

#### The Mahatma on the Pact

"I have no desire to divide the house on any matters of vital difference between Swarajists and non-Swarajists, but there are some matters on which a division may be inevitable. You have all seen the agreement that has been come to between Deshabandhu Das and Pandit Motilal Nehru on behalf of the Swarajya Party and myself. That agreement has been accepted by the old All-India Congress Committee. We have now to take the third step, namely, to secure the endorsement of this house and then it has to go to the Congress. Naturally, during the time that has elapsed between the meeting of the old Committee and the new, I have followed what has appeared in the press on this agreement. More than that, I have gained information as to what has been said in the press and what has been talked about the agreement. My friend Mr. Vithalbhai Patel has

been keeping me informed of the feeling in the country in connection with this agreement, the vital point of it, namely, the revolutionary changes I have suggested with reference to the Congress franchise. Mr. Patel told me last night while I was silent. He pressed the same upon me today, as is always his wont, humourously,—but the seriousness behind the humour was unmistakable—that I was taking a vital step and that I would repent of my folly inside two months and that, if not 99 at least 90 per cent of Congressmen were against the proposed change. He told also that, so far as he knew, there was hardly a Swarajist who favoured change in the franchise and that there was a large body of opinion even among the No-Changers against its introduction. I combated that view and I still do so, but he has been fortified by opinion of others. Many have informed me that the press that counts is violently opposing the proposed introduction. I have seen the resolution passed by the Berar Provincial Congress Committee against the proposed change in the franchise. A similar resolution of the P. C. C's, Sindh and C. P. Maharatta I have seen. My friend Rajendra Babu informed me the other day that the Bihar Conference was against the change. I cannot possibly ignore these indications and therefore I would urge you to reject this proposed introduction of spinning in the franchise if it really does not commend itself to you.

"I know what appears in the press does not often reflect the real opinion of the Subjects Committee or even of Congressmen and therefore it is for you to consider and come to a decision. Whilst I attach some importance to the resolution of the Provincial Congress Committees and Conference, I do not want to over-value their testimony against the introduction of the new franchise. That being so, I must warn you against accepting this change because it came from me. I must be ruled out of consideration. I must appreciate your desire to retain me as President of the Congress and Chairman for the coming year of the A. I. C. C., but I would urge you to dismiss me out of your consideration. However valuable my services may be, your own opinion must be more valuable because it arises from your own conscience and I want to allow you to express your opinion. One's own opinion when it is formed must be more valuable than any single man's opinion, however highly placed he may be.

#### The Swarajist Position.

"Desabandhu Das and Pandit Motilal Nehru will tell the Swarajists what their duty in the matter is. I wrote to Pundit Nehru when I was going to the Punjab a brief note saying that I was feeling somewhat disturbed and that I would like to meet the Pro-Changers at Belgaum on the 21st, because I wanted to ascertain their opinion in connection with this. He confirmed what he wrote to me in Bombay on the day I left for Belgaum. He said that, so far as Swarajists were concerned, with the exception of Mr. Patel, the Swarajists everywhere were all subject to discipline and what was once passed by the majority of the party was binding on every single member of the Swarajist organisation and that they would really carry out whatever was accepted by the Swarajya Party. I felt considerable relief. At the same time I should really ask you to relieve the Swarajists who were not present at the time of the Pact from any obligation. If the agreement does not commend itself to you, you should reject it. I do not ask you to accept this agreement or the alteration in the franchise simply because that it may appear on paper or that it may influence others, but which does not influence yourself. The acceptance means sustained work for the next 12 months, zealous submission to very rigorous discipline. You

would be expected to send 2,000 yards of yarn every month regularly, by preference, of your own spinning and, if you are really unwilling to spin them, spun yarn by other people. You are expected to find some one who would be doing your duty under your supervision and who would be spinning yarn that is good. You should understand the implications of it. I have embodied them in a series of resolutions I have framed. It is not a trifle. I want you to accept it as a vital thing which I ask you to carry out for the next 12 months. I would urge you, Swarajists or non-Swarajists, Pro-Changers or No-Changers, to reject it if you are not in agreement with it.

If the Pact is Accepted.

"There is one more thing which I want to say before I take the sense of this house on the agreement, after Desabandhu Das has spoken. If you are of opinion that the agreement is to be accepted, then I would make another proposal as to how we should proceed. There was a meeting between the No-Changers and myself here and I am glad to be able to say it was a very interesting meeting. It was a heart to heart conversation and the No-Changers gave me their confidence. They had no hesitation in telling me what they felt. I do not propose to describe the whole proceedings. One preliminary objection was raised by one of the audience. It was this. He asked whether the Swarajya Party could have a different franchise from the Congress franchise. I must confess I had not studied the Swarajya Party constitution. I have studied it now. This constitution was given to me by Dr. Mohmed the day before yesterday in the midst of the meeting. Then I told him that the Swarajya Party would have the same franchise as the Congress and it could not become an integral part of the Congress organisation and have a different franchise. Then I was told that it was different. Now I see there is a difference. I understood subsequently that immediately after the agreement was accepted, it was proposed by the Swarajya Party to alter the constitution to bring it in a line with that of the Congress. If that is so, there is nothing to be said. Subject to the assumption, therefore, that the Swarajya Party franchise and creed would be the same as that of the Congress, the No-Changers by an overwhelming majority—there were only 4 or 5 dissentients—accepted or decided to accept this agreement. I would like you to express your sentiment on this agreement after you have heard what Mr. Das or Mr. Nehru or both of them have to tell you."

Mr C R. Das

After Mahatma Gandhi had concluded his speech, Mr C R Das explained that when his Party was started nobody could become member of it unless he accepted Councils and was a member of the Congress. Last year, they accepted some who accepted the creed of the Congress but were not members of the Congress. But now the position was changed and they would have to bring the same franchise as in Congress, otherwise they would not belong to the Congress and would be left out of it.

Asked by Dr. Pattabhi Sitaramayya whether every member of the Swarajya Party was also a member of the Congress, Mr Das said that those who were members of the Swarajya Party but were not members of the Congress were called the 'Council Section' of the Swarajya Party. They were a section of the Swarajya Party who were with them as regards Councils, but were not in agreement with them as regards other work. This cleared the position of the Swarajists a good

deal but the doubts of the No-changers were not wholly set at rest by Mr. Das's explanation. The elasticity of the whole thing bewildered them but they finally accepted the position seeing no way out of the "impasse."

### The Pact Accepted.

The Pact was then put to vote and carried, only 28 voting against it, including Mr. Vithalbhai Patel, Moul Hasrat Mohani and Mr. Ramasam Naicker. Less than half a-dozen members remained neutral.

On the suggestion of the Mahatma a Committee consisting of M. Gandhi, Mr. Das, Mr. Rajagopalachariar, Pandit Nehru, Lala Lajpatrai, Mr V. Ramadas, Mr. Pattabhi Sitaramiah, Mr S. Srinivasa Iyengar, Babu Rajendra Prasad, Dr. Paranjpye, Moul Hasrat Mohani, Mr. Konda Venkatappayya, Maulana Abul Kalam Azad, Mr. A. Rangasami Iyengar, Mr. Kelkar and Dr. Varadarajulu Naidu was appointed to examine the draft resolution framed to give effect to the Pact. Mr. Vithalbhai Patel declined to serve on the Committee as he was opposed to the change in the franchise. The meeting then adjourned till the next day.

### Debate on the Revised Resolutions

The A. I. C. C. met on the 24th December when the resolution in connection with the Gandhi-Das Pact embodying the recommendations of the Sub Committee was proposed by Mr. A. Rangaswami Aiyengar and seconded by Mr. Pattabhi Sitaramayya. Mr. Jamnadas Mehta wanted to put a time-limit to the operation of the Spinning Franchise till December 1st 1925, but his amendment failed. Mr. V. J. Patel led a strenuous opposition against the new franchise. Suspicion was raised as to the real attitude of the Swarajist towards the Pact. But Pandit Nehru, explaining the constitutional position of the Swarajya Party, declared that it was a compact disciplined body. Discipline was first as well as the last word in its constitution. The Swarajya Party members could express here their individual views but they must abide by what the General Council would later decide as to its work in connection with the Congress work, but the Pact had been confirmed by the Party itself. He did not ridicule the Pact, although he had a definite suspicion that the Franchise could not work properly. But he maintained that Mr. Das and himself had put their signatures to the Pact and it was unjustifiable to doubt the intentions of the Party.

Mr. C. R. Das also made a fighting speech, in which he refuted the charges of hypocrisy and inconsistency thrown at the Swarajya Party. At the Ahmedabad meeting they fought for the right to refuse to spin and that right had been restored in the Pact. The Swarajists only rebelled against the obligation to spin in order to remain members of the Congress. The No-changers were only themselves confining to the Constructive Work, but the Swarajists were not only helping the Constructive work but doing other work as well. The Swarajists had never been opposed to spinning and Khaddar work, but they could not accept the proposition that a representative in the Congress Committee who had been elected by voters, would cease to be representative unless he personally spun. 'I confess, my belief in spinning is not so robust as that of Gandhiji, but a conviction steals upon me that it will be a great success. I cannot spin but Gandhiji says that it is easy to spin. I shall make an attempt.'

Lala Lajpat Rai supported Mr. Patel. He considered that the pact consisted of a bundle of inconsistencies. Use of Khaddar only on ceremonial occasions would make the people laugh at the Congress.

The clause about wearing of Khaddar only on ceremonial occasions was inconsistent with the spirit of the franchise. There must be no dilution in franchise. He said he belonged to no party, although he had worked for the Swarajya Party.

After speeches from Moul. Mahomed Ali and a few others the resolutions were adopted by a large majority by the A. I. C. C.

The All-India Congress Committee resumed its sittings again in the afternoon at 6 P.M. Mahatma Gandhi presiding. Pandit Madan Mohan Malaviya who arrived on the day was also present. Resolutions recommended by the Working Committee were taken up first and Mr C. Rajagopalachari moved them on behalf of the Working Committee.

The first resolution related to Indians Overseas. The next resolution moved expressed regret at the deaths of Bi Amman, Sir Ashutosh Mukerji, Mr. Bhupendranath Basu, Dr. Subramania Aiyer and Mr. Dal Bahadur Giri in India and of Mr. Rustomji Jivanji Ghorkodu in South Africa. On the suggestion of some members the names of Sir Ashutosh Chaudhari and Mr. T. V. Gopalaswamy Mudaliar were added and the resolution was adopted.

#### Changes in Constitution.

Mr. C. Rajagopalachari moved a resolution to add a new Article to the rules by which the Working Committee would have power to dissolve any Committee of the Congress organisation that had failed to enforce the new franchise in a satisfactory manner and arrange for electing a new Committee to carry on the work.

Mr. Satyamurti enquired the reason for introducing this article. Mr. C. R. Das and Pandit Motilal did not consider this article necessary. Mahatma Gandhi said where there were differences of opinion on vital matters between Swarajists and No-Changers, he would not press for any resolution. The resolution was accordingly withdrawn.

#### Number of Delegates to Congress

Mr. Rajagopalachari also moved that in the third para of article 8 1,00,000 be read for 50,000, thus reducing the number of delegates fixed for the Congress by one half of the present number.

The President explained that not more than 4,500 delegates attended at Ahmedabad which had a record attendance and subsequently the number was less and the matter was brought up before the Subjects Committee in previous years, but was not considered. Experience had shown that 6,000 was also too many and suggested 3,000.

Babu Siva Prasad Gupta wished the delegates should be based on membership of the Congress instead of a population basis and Mr. Chatterjee suggested that there should be delegates for every 1,500 instead of 3,000 of the population. Swami Govindanand complained that the population basis worked hard on the smaller provinces like Sind and Guzerat.

The amendments were all lost and the house was not in favour of reducing the number of delegates.

#### Amendment to Art. 19

Mr. C. Rajagopalachari moved another resolution to substitute January for November in Article 19 Para (6) and a transitory provision accruing from such a change being adopted for 1925.

The House did not seem to approve the suggestion and the President promptly withdrew it.

#### Congress Office and Funds

Pandit Jawharlal Nehru moved that in Article 23 after the word "Congress" in line 3 the following be added —(See p 435 for the Amended Article XXIII)

The A. I. C. C. met again at 11-30 a. m on the 25th DECEMBER. The first resolution on untouchability recommended by the Working Committee was carried.

#### National Education.

Discussion next centred round the resolution about national educational institutions Mahatma Gandhi said he had been accused by some for leaving out the mention of these institutions in the Pact with the Swarajists and he wanted to emphasise that he did not for that reason attach lesser importance to the subject. A number of amendments were moved Dr Moonjee, the Swarajist leader from the C. P., declared that to maintain these national institutions was a waste of time and energy and that in any case responsibility for their maintenance should hereafter be borne by the All-India Congress Committee in place of Provincial Congress Committees This proposal of his was, however, rejected by a majority The resolution as finally passed is given on p 435

The next resolution asked Congressmen not to hesitate to accept remuneration for doing National Service.

#### Egyptian Crisis.

A good deal of interest was aroused when the resolution over the assassination of Sir Lee Stack in Egypt was taken up on the suggestion of the Working Committee but M Gandhi himself withdrew the resolution.

#### Kohat.

The resolution about Kohat was next taken up (see p 434).

Moulana Zafar Ali moved deletion of the reference to the Gulbarga and in his comment grew hot and said Then you must include Kashmir and Bharatpur as well. You have no right to interfere in the affairs of an Indian State Mahatma Gandhi ruled that the Congress had perfect right to pass resolutions about Indian States Moulana Zafar Ali said he wanted to know whether this was a Congress of Hindus or of Mussalmans Mahatma Gandhi remarked that the speaker was speaking in a wrong way. The Congress did not belong to any body and the addition about Gulbarga was really very innocent It should not give offence to any soul in the world and did not condemn the Nizam's administration. Mahatma Gandhi asked Moulana Zafar Ali to read the resolution On reading, Moulana Zafar Ali agreed, amidst laughter, that it was not objectionable As for Moulana Zafar Ali's suggestion to condemn the desecration of some Muslim sanctuary in Kashmir, M Gandhi said, if h (Moulana Zafar Ali) would bring forward any proposition it would be considered on its merits The resolution was then declared carried unanimously.

#### The Independence Resolution.

After some minor points had been disposed of Mr. Hasrat Mohani's Independence resolution was considered Mr Mohani withdrew the first part of the resolution, viz, "the object of the Indian National Congress is the attainment of Swaraj i.e., Complete Independence by the people

of India by all legitimate and peaceful means," necessarily including non violent non-co-operation and civil disobedience.

He next moved the second part, or the alternative resolution, namely, "the object of the Indian National Congress is the attainment of Swaraj or Self-Government within the Empire by all constitutional means" The object of his resolution, he said, was to make the Congress creed clear. The Committee having suspended Non-Co-operation, Civil Disobedience, and non-Payment of Tax, he could not take up the first resolution, but only the second. There was a large number of amendments which the President ruled out of order. After some discussion, Mr Mohani's resolution was put to the meeting and lost.

The Subjects Committee held its final sittings on the 26th December. Mr Satyamurti moved the resolution of which he had given notice, urging the need to organise a publicity bureau in 1925. He said, Congress after Congress was in favour of foreign propaganda, but the last resolution was adjourned at Gaya where unfortunately they had no time but to quarrel among themselves. The time had now arrived when they could usefully start a publicity campaign. A large amount was being spent, by the Government, both in America and Great Britain, where a campaign of maligning the Mahatma and the Swarajists was being carried on. Egypt spent millions every year in Europe and America to create international opinion. Ireland and Russia did likewise. He assured Mahatmajī that foreign propaganda would greatly strengthen his hand.

It was finally settled to have the matter in the hands of the Swarajists and not to bring it before the Congress.

The next resolution called upon all Congressmen to offer themselves for election to local boards and Municipalities with a view to effectively carry on the constructive programme of the Congress.

Pandit Jawharlal Nehru opposed it saying that his experience as Chairman of the Allahabad Municipality did not convince him of the wisdom of capturing the local bodies, and the United Provinces PCC had also, passed a resolution condemning such entry.

After a good deal of discussion the original motion was carried, 72 voting for and 50 against, but after some consultation it was agreed that the matter need not be taken up at the open session of the Congress, but that the All-India Congress Committee might deal with it.

There were a few more resolutions, all of which were referred to the All-India Committee.

### The Open Session of the Congress.

The Congress opened on the 26th December at 3 p.m. in the specially constructed Pandal at Vijayanagarā, Belgaum. Proceedings commenced with the singing of National songs after which Mr. Gangadhar Rao Deshpande, the Chairman of the Reception Committee read out his welcome address in Marathi.

### The Welcome Address

After referring to the past history of Karnatak, Mr. Deshpande dealt upon communal and caste problems, upon the question of Brahmins and non-Brahmins, Hindus and Moslems, etc, which, however, were not so acute in his province as elsewhere in India. In Khadder work, Karnataka, he said, was one of the leading provinces. Turning to other problems before the country, he said —

## Crisis in the Country

The unfortunate differences in the Congress fold have thrown the whole country into dismay and confusion. But it cannot, ought not, to go on for long. Our forces are disunited and to some extent shattered, but certainly they are not destroyed. If we do not go mad and systematically destroy everything that we achieved during these recent years, I am sure our solid work will survive all disappointments and misgivings. We have simply to pull together the loosened strings to make a united India once again. Our difficulties are not external, they are of the heart. Not negotiations therefore, but purification of the heart is what is needed.

The task is not easy, I admit, but neither is it impossible. The strong family-tie for which and by which India has always stood will stand us in good stead and the spirit of brotherhood, let us hope, will overcome the spirit of hatred or mistrust. The unmitigated tyranny of our rulers too is a great unifying factor.

When I think of the circumstances created by the Bengal Government by its recent issue of a monstrous Ordinance, I am tempted to regard it as a blessing in disguise. Bengal has once again heroically stood against the oppression of an unscrupulous bureaucracy in a way that has commanded the admiration of all, and her sufferings have not been endured in vain since they have helped to draw closer all parts of the country in sympathy.

Friends, our country is passing through a critical stage. Mighty potentialities for good and for evil are before us. Our opportunities are unique but our pitfalls are also deep, numerous and deceptive. To-day with us, it is the best of times, it is the worst of times, it is the age of wisdom, it is the epoch of belief, it is the epoch of scepticism.

## Conclusion

I do not propose to give my opinion on the great political problems of the day that are clamouring for solution at your hands. I have ever held that it is not the scientific precision of a programme but the will behind it that really counts. I want our masses to rise to the consciousness of the potentiality and thus develop a will to Swaraj. Whatever programme secures this has my support. I have worked in that spirit under the flag of the Lokmanya and am now trying to do the same under Mahatmajī who has been holding aloft that flag since. I can only say that without unity among ourselves and a leader commanding the confidence and affection of all, masses as well as classes, our further progress is impossible. Fortunately for us, we have amongst us to-day Mahatmajī who visibly embodies in himself such leadership, and with him at the helm of our national affairs, I am confident, we shall not only be able to recover our lost ground but soon again be in sight of our cherished goal. In electing him as President, the Reception Committee have, I am sure, only fulfilled the demand of the time. It is with feelings, which I find lack of words to describe, that I request Mahatmajī to take the chair.



# The Presidential Address

By Mr. M. K. Gandhi.

Friends,

It was after much misgiving that I accepted the burden of the honour you have done me to-day. The unique honour for this year should have been bestowed upon Srimati Sarojini Naidu who did such wonderful work both in Kenya and South Africa. But it was not to be. The developments both internal and external have necessitated my acceptance of the burden. I know that I shall have your support in my attempt to do justice to the high office to which you have called me.

At the outset, let me note with respectful feelings the deaths during the year of Bi Amman, Sir Asutosh Mookherji, Mr Bhupendra Nath Basu, Dr Subrahmaniam Iyer and Mr. Dal Bahadur Giri at home, and of Messrs Rustomjee and P. K. Naidu in South Africa. I tender in your name my respectful condolences to the bereaved families.

## Retrospective.

From the September of 1920 the Congress has been principally an institution for developing strength from within. It has ceased to function by means of resolutions addressed to the Government for redress of grievances. It did so because it ceased to believe in the beneficial character of the existing system of Government. The breach of faith with the Musalmans of India was the first rude shock to the people's faith in the Government. The Rowlatt Act and O'Dwyerism culminating in the Jallianwalla Bagh massacre, opened the eyes of the people to the true nature of the system. At the same time it was realised that the existence of the system depended upon the co-operation, whether conscious or unconscious, and whether voluntary or forced, of the people. With the view therefore of mending or ending the system it was decided to try to begin withdrawing voluntary co-operation from the top. At the Special Session of the Congress at Calcutta in 1920 the boycott of Government titles, law-courts, educational institutions, legislative bodies and foreign cloth was resolved upon. All the boycotts were more or less taken up by the parties concerned. Those who could not, or would not, retired from the Congress. I do not propose to trace the chequered career of the non-co-operation movement. Though not a single boycott was anywhere near completion, every one of them had undoubtedly the effect of diminishing the prestige of the particular institution boycotted.

The most important boycott was the boycott of violence. Whilst it appeared at one time to be entirely successful, it was soon discovered that the non-violence was only skin-deep. It was the passive non-violence of helplessness, not the enlightened non-violence of resourcefulness. The result was an eruption of intolerance against those who did not non-co-operate. This was violence of a subtler type. In spite, however, of this grave defect I make bold to say that the propaganda of non-violence checked the outbreak of physical violence.

which would certainly have broken out had not non-violent non-co-operation come into being. It is my deliberate conviction that non-violent non-co-operation has given to the people a consciousness of their strength. It has brought to the surface the hidden powers in the people of resistance through suffering. It has caused an awakening among the masses which perhaps no other method could have.

Though, therefore, non-violent non-co-operation has not brought us Swaraj, it has brought about certain deplorable results, and though the institutions that were sought to be boycotted are still flourishing, in my humble opinion, non-violent non-co-operation as a means of attaining political freedom has come to stay and that even its partial success has brought us nearer Swaraj. There is no mistaking the fact that the capacity for suffering for the sake of a cause must advance it.

### A Halt

But we are face to face with a situation that compels us to cry halt. For whilst individuals hold firmly to their belief in non-co-operation, the majority of those who are immediately concerned have practically lost faith in it, with the exception of boycott of foreign cloth. Scores of lawyers have resumed practice. Some even regret having ever given it up. Many who had given up Councils have returned to them and the number of those who believe in Council entry is on the increase. Hundreds of boys and girls who gave up Government schools and colleges have repented of their action and have returned to them. I hear that Government schools and colleges can hardly cope with the demand for admission. In these circumstances these boycotts cannot be worked as part of the National programme, unless the Congress is prepared to do without the classes directly affected. But I hold it to be just as impracticable to keep these classes out of the Congress as it would be now to keep the non-co-operators out. They must both remain in the Congress, without either party interfering with or hostilely criticising the other. What is applicable to Hindu-Muslim unity is, I feel, applicable to the unity among different political groups. We must tolerate each other and trust to time to convert the one or the other to the opposite belief. We must go further. We must plead with the Liberals and others who have seceded to rejoin the Congress. If non-co-operation is suspended, there is no reason why they should keep out. The advance must be from us Congressmen. We must cordially invite them and make it easy for them to come in.

You are perhaps now able to see why I entered into the agreement with the Swarajists.

### Foreign Cloth Boycott

You will observe that one boycott has been retained. Out of regard for the sentiment of an English friend the word 'Boycott' has been changed in the agreement into 'refusal to use foreign cloth'. There is no doubt a bad odour about the word 'Boycott'. It usually implies hatred. So far as I am concerned, I have not intended the word to bear any such meaning. The boycott has reference not to British but to foreign cloth. That boycott is not merely a right but a duty. It is as much a duty as boycott of foreign waters would be if they were im-

ported to substitute the waters of the Indian rivers. This, however, is a disgression

What I wanted to say was that the agreement saves and emphasises the boycott of foreign cloth. For me it is an effective substitute for violent methods. Just as certain acts, such as personal abuse, irritating conduct, lying, causing hurt and murder are symbols of violence, similarly courtesy, inoffensive conduct, truthfulness etc, are symbols of non-violence. And so to me is boycott of foreign cloth a symbol of non-violence. Revolutionary crime is intended to exert pressure. But it is the insane pressure of anger and ill-will. I contend that non-violent acts exert pressure far more effective than violent acts, for that pressure comes from good-will and gentleness. Boycott of foreign cloth exerts such pressure. We import the largest amount of foreign cloth from Lancashire. It is also by far the largest of all our imports, sugar being next. Britain's chief interest centres round the Lancashire trade with India. It is the one thing more than any other that has ruined the Indian peasant and imposed partial idleness upon him by depriving him of the one supplementary occupation he had. Boycott of foreign cloth is therefore a necessity if he is to live. The plan, therefore, is not merely to induce the peasant to refuse to buy the cheap and nice-looking foreign fabric but also by teaching him to utilize his spare hours in carding and spinning cotton and getting it woven by the village weavers, to dress himself in khaddar so woven, and thus to save him the cost of buying foreign and for that matter even Indian mill-made cloth. Thus boycott of foreign cloth by means of hand-spinning and hand-weaving, i.e., khaddar not only saves the peasant's money but it enables us workers to render social service of a first class order. It brings us into direct touch with the villagers. It enables us to give them real political education and teach them to become self-sustained and self-reliant. Organisation of khaddar is thus infinitely better than co-operative societies or any other form of village organisation. It is fraught with the highest political consequence, because it removes the greatest immoral temptation from Britain's way. I call the Lancashire trade immoral because it was raised and is sustained on the ruin of millions of India's peasants. And as one immorality leads to another, the many proved immoral acts of Britain are traceable to this one immoral traffic. If therefore this one great temptation is removed from Britain's path by India's voluntary effort, it would be good for India, good for Britain, and, as Britain is to-day the predominant world-power, good even for humanity.

I do not endorse the proposition that supply follows demand. On the contrary, demand is often artificially created by unscrupulous vendors. And if a nation is bound, as I hold it is, like individuals to comply with a code of moral conduct, then it must consider the welfare of those whose wants it seeks to supply. It is wrong and immoral for a nation to supply, for instance, intoxicating liquor to those who are addicted to drink. What is true of intoxicants is true of grain or cloth, if the discontinuance of their cultivation or manufacture in the country to which foreign grain or cloth are exported results in enforced idleness or penury. These latter hurt a man's soul and body just as much as intoxication. Depression is but excitement upside down and hence equally disastrous in its results and often more so because

we have not yet learnt to regard as immoral or sinful the depression of idleness or penury.

### Britain's Duty

It is then I hold the duty of Great Britain to regulate her exports with due regard to the welfare of India, as it is India's to regulate her imports with due regard to her own welfare. That economy is unnatural which ignores or disregards moral values. The extension of the law of non-violence in the domain of economics means nothing less than the introduction of moral values as a factor to be considered in regulating international commerce. And I must confess that my ambition is nothing less than to see international relations placed on a moral basis through India's efforts. I do not despair of cultivation of limited mass non-violence. I refuse to believe that the tendency of human nature is always downward.

The fruition of the boycott of foreign cloth through hand-spinning and khaddar is calculated not only to bring about a political result of the first magnitude, it is calculated also to make the poorest of India, whether men or women, conscious of their strength and make them partakers in the struggle for India's freedom.

### Foreign *versus* British

It is hardly necessary now to demonstrate the futility, not to say the violent nature, of boycott of British cloth or better still, British goods, as so many patriots have suggested. I am considering the boycott purely from the point of view of India's good. All British goods do not harm us. Some goods such as English books we need for our intellectual or spiritual benefit. As regards cloth, it is not merely British cloth that harms us, but all foreign cloth, and for that matter, to a lesser extent, even mill-made cloth injures us. Boycott brought about anyhow of British cloth cannot yield the same results as such boycott brought about by hand-spinning and khaddar. This necessitates exclusion at least of all foreign cloth. The exclusion is not intended as a punishment. It is a necessity of national existence.

### Objections Considered

But, say the critics, the spinning wheel has not taken, it is not exciting enough, it is an occupation only for women, it means a return to the middle ages, it is a vain effort against the majestic march of scientific knowledge for which machinery stands. In my humble opinion, India's need is not excitement but solid work. For the millions, solid work itself is excitement and tonic at the same time. The fact is that we have not given the spinning wheel enough trial. I am sorry to have to say that many of us have not given it serious thought. Even the members of the All-India Congress Committee have failed to carry out the series of resolutions on hand-spinning which they themselves have passed from time to time. The majority of us have simply not believed in it. In the circumstances, it is hardly just to say that spinning has failed for want of excitement about it. To say that it is merely an old woman's occupation is to ignore facts.

Spinning mills are a multiplication of spinning wheels. They are managed by men. It is time that we got out of this superstition that some occupations are beneath the dignity of men. Under normal conditions, no doubt, spinning will be the occupation of the gentler sex. But the State of the future will always have to keep some men at the spinning wheel so as to make improvements in it within the limitations which as a cottage industry it must have. I must inform you that the progress the mechanism of the wheel has made would have been impossible, if some of us men had not worked at it and had not thought about it day and night.

### Machinery

I wish, too, you would dismiss from your minds the views attributed to me about machinery. In the first instance, I am no more trying to present for national acceptance all my views on machinery than I am presenting the whole of my belief in non-violence. The spinning wheel is itself an exquisite piece of machinery. My head daily bows in reverence to its unknown inventor. What I do resent is the wanton and wicked destruction of the one cottage industry of India that kept the wolf from the doors of thousands of homes scattered over a surface 1900 miles long and 1500 miles broad.

### Spinning Franchise

You will not now wonder at my passion for the spinning wheel, nor will you wonder why I have ventured to present it for introduction in the franchise, and why Pandit Motilal Nehru and Deshbandhu Das have accepted it on behalf of the Swaraj Party. If I had my way, there would be no one on the Congress register who is unwilling to spin or who would not wear khaddar on all occasions. I am however thankful for what the Swaraj Party has accepted. The modification is a concession to weakness or want of faith. But it must serve as a spur to greater effort on the part of those who have full faith in the wheel and khaddar.

### No Other Message

I have thus dilated upon the spinning wheel because I have no better or other message for the Nation. I know no other effective method for the attainment of Swaraj if it is to be 'peaceful and legitimate means'. As I have already remarked, it is the only substitute for violence that can be accepted by the whole nation. I swear by Civil Disobedience. But Civil Disobedience for the attainment of Swaraj is an impossibility unless and until we have attained the power of achieving boycott of foreign cloth. You will now easily perceive why I should be a useless guide for the Congress if my views about the spinning wheel be not acceptable to you. Indeed, you would be justified in regarding me, as some friends do, as a hinderance to national progress, if you consider me to be wrong in my exposition of the doctrine underlying the spinning wheel. If it does not appeal to your heads as well as to your hearts, you will be wanting in your duty in

not rejecting my lead. Let it no longer be said, as Lord Willingdon very properly once said of us, that we had not the strength and courage to say 'No'. Indeed your rejection of my proposal, if you do not believe in it, will be a step towards Swaraj

### Hindu-Muslim Unity

Hindu-Muslim unity is not less important than the spinning wheel. It is the breath of our life. I do not need to occupy much of your time on this question, because the necessity of it for Swaraj is almost universally accepted. I say 'almost' because I know some Hindus and some Musalmans who prefer the present condition of dependence on Great Britain if they cannot have either wholly Hindu or wholly Musalman India. Happily their number is small.

I share Maulana Shaukat Ali's robust optimism that the present tension is a mere temporary distemper. The Khilafat agitation, in which Hindus made common cause with their Musalman brethren and the non-co-operation that followed it, caused an awakening among the hitherto slumbering masses. It has given a new consciousness to the classes as well as to the masses. Interested persons, who were disappointed during the palmy days of non-co-operation, now that it has lost the charm of novelty, have found their opportunity and are trading upon the religious bigotry or the selfishness of both the communities. The result is written in the history of the feuds of the past two years. Religion has been travestied. Trifles have been dignified by the name of religious tenets which, the fanatics claim, must be observed at any cost. Economic and political causes have been brought into play for the sake of fomenting trouble. The culminating point was reached in Kohat. The tragedy was aggravated by the callous indifference of the local authority. I must not tarry to examine the causes or to distribute the blame. I have not the material for the task even if I was minded for it. Suffice it to say that the Hindu refugees fled for fear of their lives. There is in Kohat an overwhelming Musalman majority. They have, in so far as is possible under a foreign domination, effective political control. It is up to them, therefore, to show that the Hindus are as safe in the midst of their majority as they would be if the whole population of Kohat was Hindu. The Musalmans of Kohat may not rest satisfied till they have brought back to Kohat every one of the refugees. I hope that Hindus would not fall in the trap laid for them by the Government and would resolutely refuse to go back till the Musalmans of Kohat have given them full assurances as to their lives and property.

The Hindus can live in the midst of an overwhelming Musalman majority only if the latter are willing to receive and treat them as friends and equals, just as Musalmans, if in a minority, must depend for honourable existence in the midst of a Hindu majority on the latter's friendliness. A Government can give protection against thieves and robbers, but not even a Swaraj Government will be able to protect people against a wholesale boycott by one community of another. Governments can deal with abnormal situations. When quarrels become a normal thing of life, it is called civil war, and parties must fight it.

out themselves. The present Government being foreign, in reality a veiled military rule, has resources at its command for its protection against any combination we can make, and has, therefore, the power, if it has the will, to deal with our class feuds. But no Swaraj Government with any pretension to being a popular Government can possibly be organised and maintained on a war footing. A Swaraj Government is established by the free joint will of Hindus, Musalmans and others. Hindus and Musalmans, if they desire Swaraj, have perforce to settle their differences amicably.

The Unity Conference at Delhi has paved the way for a settlement of religious differences. The Committee of the All-Parties' Conference is, among other things, expected to find a workable and just solution of the political differences not only between Hindus and Musalmans but between all classes, and all castes, sects or denominations. Our goal must be removal, at the earliest possible moment, of communal or sectional representation. A common electorate must impartially elect its representatives on the sole ground of merit. Our services must be likewise impartially manned by the most qualified men and women. But till that time comes and communal jealousies or preferences become a thing of the past, minorities who suspect the motives of majorities must be allowed their way. The majorities must set the example of self-sacrifice.

### Untouchability

Untouchability is another hinderance to Swaraj. Its removal is just as essential for Swaraj as the attainment of Hindu-Muslim unity. This is an essentially Hindu question and Hindus cannot claim or take Swaraj till they have restored the liberty of the suppressed classes. They have sunk with the latter's suppression. Historians tell us that the Aryan invaders treated the original inhabitants of Hindustan precisely as the English invaders treat us, if not much worse. If so, our helotry is a just retribution for our having created an untouchable class. The sooner we remove the blot the better it is for us Hindus. But the priests tell us that untouchability is a divine appointment. I claim to know something of Hinduism. I am certain that the priests are wrong. It is a blasphemy to say that God set apart any portion of humanity as untouchable. And Hindus who are Congressmen have to see to it that they break down the barrier at the earliest possible moment. The Vaikom Satyagrahis are showing us the way. They are carrying on their battle with gentleness and firmness. They have patience, courage and faith. Any movement in which these qualities are exhibited becomes irresistible.

I would, however, warn the Hindu brethren against the tendency which one sees now-a-days of exploiting the suppressed classes for a political end. To remove untouchability is a penance that caste Hindus owe to Hinduism and to themselves. The purification required is not of untouchables but of the so-called superior castes. There is no vice that is special to the untouchables, not even dirt and insanitation. It is our arrogance which blinds us 'superior' Hindus to our own blemishes and which magnifies those of our down-trodden brethren whom we have suppressed and whom we keep under suppression. Religions like nations are being

weighed in the balance. God's grace and revelation are the monopoly of no race or nation. They descend equally upon all who wait upon God. That religion and that nation will be blotted out of the face of the earth which pins its faith to injustice, untruth or violence. God is Light, not darkness. God is Love, not hate. God is Truth, not untruth. God alone is Great. We His creatures are but dust. Let us be humble and recognise the place of the lowliest of His creatures. Krishna honoured Sudama in his rags as he honoured no one else. Love is the root of religion or sacrifice, and this perishable body is the root of self or irreligion, says Tulsidas. Whether we win Swaraj or not, the Hindus have to purify themselves before they can hope to revive the Vedic philosophy and make it a living reality.

### Swaraj Scheme.

But the spinning wheel, Hindu-Muslim unity, and removal of untouchability are only means to an end. The end we do not know. For me it is enough to know the means. Means and end are convertible terms in my philosophy of life. But I have long professed my conversion to the view pressed upon the public by Babu Bhagvan Das that the public must know the end, not vaguely but precisely. They must know the full definition of Swaraj, i.e. the scheme of Swaraj which all India wants and must fight for. Happily the Committee appointed by the All Parties' Conference is charged with that mission and let us hope that the Committee will be able to produce a scheme that will be acceptable to all parties. May I suggest for its consideration the following points?

1. The qualification for the franchise should be neither property nor position but manual work, such, for example, as suggested for the Congress franchise. Literary or property test has proved to be elusive. Manual work gives an opportunity to all who wish to take part in the government and the well-being of the State.

2. The ruinous military expenditure should be curtailed to the proportion necessary for protection of life and property in normal times.

3. Administration of justice should be cheapened and with that end in view the final court of appeal should be not in London but in Delhi. Parties to civil suits must be compelled in the majority of cases to refer their disputes to arbitration, the decisions of the Panchayats to be final except in cases of corruption or obvious misapplication of law. Multiplicity of intermediate courts should be avoided. Case law should be abolished and general procedure should be simplified. We have slavishly followed the cumbrous and worn-out English procedure. The tendency in the Colonies is to simplify the procedure so as to make it easy for litigants to plead their own cases.

4. Revenues from intoxicating liquors and drugs should be abolished.

5. Salaries of the Civil and Military Service should be brought down to a level compatible with the general condition of the country.

6. There should be re-distribution of provinces on a linguistic basis with as complete autonomy as possible for every province for its internal administration and growth.

7. Appointment of a commission to examine all the monopolies.



given to foreigners and, subject to the findings of the commission, full guarantees to be given for all vested rights justly acquired.

8 Full guarantee of their status to the Indian Chiefs without any hindrance from the Central Government, subject to the right of asylum to subjects of these States who, not being offenders against the Penal Code, may seek it in Self-governing India

9. Repeal of all arbitrary powers

10 The highest post to be open to all who may be otherwise fit. Examinations for the Civil and Military Services to be in India.

11. Recognition of complete religious freedom to various denominations subject to mutual forbearance.

12 The official language for provincial governments, legislatures and courts, within a definite period, to be the vernacular of the province, of the Privy Council, the final court of appeal, to be Hindustani, the script to be either Devanagari or Persian. The language of the Central Government and of the Central Legislature to be also Hindustani. The language of inter-national diplomacy to be English

I trust you will not laugh at what may appear to you to be extravagance of thought in the foregoing sketch of some of the requirements of Swaraj as I would have it. We may not have the power to-day to take or receive or do the things I have mentioned. Have we the will? Let us at least cultivate the desire. Before I leave this highly attractive, because speculative, theme let me assure the Committee in charge of the drafting of a Swaraj scheme that I claim for my suggestion no more attention than it would give to any single individual's. I have incorporated them in my address only to gain greater currency for them than they would perhaps otherwise receive

### Independence

The above sketch presupposes the retention of the British connection on perfectly honourable and absolutely equal terms. But I know that there is a section among Congressmen who want under every conceivable circumstances complete independence of Britain. They will not have even an equal partnership. In my opinion if the British Government mean what they say and honestly help us to equality, it would be a greater triumph than a complete severance of the British connection. I would therefore strive for Swaraj within the Empire but would not hesitate to sever all connection, if severance became a necessity through Britain's own fault. I would thus throw the burden of separation on the British people. The better mind of the world desires to-day not absolutely independent States warring one against another but a federation of friendly inter-dependent States. The consummation of that event may be far off. I want to make no grand claim for our country. But I see nothing grand or impossible about our expressing our readiness for universal inter-dependence rather than independence. It should rest with Britain to say that she will have no real alliance with India. I desire the ability to be totally independent without asserting the independence. Any scheme that I would frame, while Britain declares her goal; about India to be complete equality within the Empire, would be that of alliance and not of independence without alliance. I would urge every Congressman not to be

insistent on independence in each and every case, not because there is anything impossible about it, but because it is wholly unnecessary till it has become perfectly manifest that Britain really means subjugation inspite of her declaration to the contrary

### The Swaraj Party

So far, then, I have considered the contents of the agreement and the general questions arising from it. Not much need be said about the status of equality given to the Swaraj Party. I wish I could have avoided it, not because the Party is not worthy, but because I do not share its views about Council-entry. But if I must remain in the Congress and even lead it, I must recognise facts as they are. It was easy enough for me to go out of the Congress or to decline the honour of presiding. But it was not, so I thought and still think, in the interest of the country for me to take that step. The Swaraj Party represents, if not a majority, at least a strong and growing minority in the Congress. If I was not to divide the Congress on the issue of its status, I was bound to agree to its conditions so long as they were not in conflict with my conscience. They are not, in my opinion, unreasonable. The Swarajists want to use the name of the Congress for their policy. A formula had to be found for their doing so without their pledging or binding the No-changers to their policy. One of the ways of doing it was to give it the authority and the responsibility, both financial and executive, with regard to the framing and the prosecution of their policy. The Congress as a whole could not guide that policy without sharing the responsibility. And as I could not take the responsibility, and as I apprehend no No-changer can, I could not be party to shaping the policy, nor could I shape it without my heart in it. And heart can only go where belief is. I know that the sole authority to the Swaraj Party to use the name of the Congress in regard to the Council programme makes somewhat awkward the position of the other parties wishing to join the Congress. But I fear it is inevitable. The Swaraj Party cannot be expected to surrender the advantage it possesses. After all it wants the advantage not for itself but for the service of the country. All parties have or can have that ambition or no other. I hope therefore that the others will join the Congress and work from within to affect the course of the country's politics. Dr. Besant has led the way in that direction. I know that she would have many things done otherwise, but she is content to come in hoping to bring round the electorate to her view by working within the Congress. The No-changers, can, in my humble opinion, vote for the agreement with a clear conscience. The only national programme jointly to be worked by all the parties is khaddar, Hindu-Muslim unity and, for the Hindus, removal of untouchability. Is not this after all what they want?

### Purely Social Reform?

It has been suggested that this programme turns the Congress into a purely social reform organisation. I beg to differ from that view. Everything that is absolutely essential for Swaraj is more than merely social work and must be taken up by the Congress. It is not suggested that the Congress should confine its activity for all time to this

work only But it is suggested that the Congress should, for the coming year, concentrate the whole of its energy on the work of construction or, as I have otherwise described it, the work of internal growth.

Nor does the agreement exhaust the list of constructive items that the Congress must handle. Those I am about to mention are of the highest importance, but they, being non-contentious and not absolutely essential for Swaraj as the foregoing three items, find no mention in the agreement

#### National Schools

One such is the maintenance of national educational institutions. Probably the public do not know that next to khaddar the running of national educational institutions has been the most successful. These can not be given up so long as even a few pupils are left. It must be a point of honour with the respective provinces to keep up their colleges and schools. Suspension of non-co-operation should not have any injurious effect on these institutions. On the contrary greater effort than ever before should be made to maintain and strengthen them. Most provinces have their national schools and colleges. Gujarat alone has a national university maintained at an annual cost of Rs 1,00,000, and having control of 3 Colleges and 70 Schools with 9,000 pupils. It has acquired its own ground at Ahmedabad and has already spent Rs. 2,05,323, in buildings. Throughout the country, finest and silent work has been done by the non-co-operating students. There is a great and noble sacrifice. From a worldly standpoint they have perhaps lost the prospect of brilliant careers. I suggest to them however that from the national stand-point they have gained more than they have lost. They left their schools or colleges because it was through them that the youth of the nation were insulted and humiliated in the Punjab. The first link in the chain of our bondage is forged in these institutions. The corresponding national institutions, however inefficiently managed they may be, are the factories where the first instruments of our freedom are forged. After all, the hope of the future centres round the boys and girls studying in these national institutions. I therefore regard the upkeep of these institutions as a first charge on provincial funds. But these institutions to be truly national must be clubs for promoting real Hindu-Muslim unity. They must be also nurseries for training Hindu boys and girls to regard untouchability as a blot upon Hinduism and a crime against humanity. They should be training schools for expert spinners and weavers. If the Congress retains its belief in the potency of the spinning wheel and khaddar, one has a right to expect these institutions to supply the science of the spinning wheel. They should be also factories for khaddar production. This is not to say that the boys and the girls are not to have any literary training. But I do maintain that the training of the hand and the heart must go hand-in-hand with that of the head. The quality and the usefulness of a national school or college will be measured not by the brilliance of the literary attainments of its scholars but by the strength of the national character, and deftness in handling the carding bow, the spinning wheel and the loom. Whilst I am most anxious that no national school or college should be closed, I should have not the slightest hesitation

in closing down a school or college that is indifferent to the admission of non-Hindu boys or that shuts its door against the entry of untouchables or that has not carding and spinning as an indispensable part of the training. Time is past when we can be satisfied with the word 'national' on the sign-board of the school and the knowledge that it is not affiliated to any Government university or is not otherwise controlled by the Government. I must also not omit to point out that the tendency in many national institutions still is to neglect the vernaculars and Hindustani. Many teachers have not realised the necessity of imparting instruction through the vernaculars or Hindustani. I rejoice to observe that Sgt. Gangadhar Rao has arranged a meeting of national educationalists to exchange experiences on the several points mentioned by me and to evolve, if possible, a general plan of education and action.

#### Unemployed Non-Co-Operators

This is perhaps the proper place to mention those lawyers who have given up practice, and school-masters and other government employees who have given up Government service at the call of the nation. I know that there are many such men who find it hard to make the two ends meet. They deserve national support. The Khadi Board and the national schools and colleges are the two services that can take in almost an unlimited number of honest and industrious men who are willing to learn and labour and are satisfied with a modest allowance. I observe a tendency not to accept any remuneration for national service. The desire to serve without remuneration is praiseworthy, but all can not satisfy it. Every labourer is worthy of his hire. No country can produce thousands of unpaid whole-time workers. We must therefore develop an atmosphere in which a patriot would consider it an honour to serve the country and accept an allowance for such service.

#### Intoxicants.

Another item of national importance is the liquor and the opium traffic. Had the wave of enthusiasm that swept across the country in 1921 in the cause of temperance remained non-violent, we would to-day have witnessed a progressive improvement. But unfortunately our picketing degenerated into violence, veiled, when it was not open. Picketing had, therefore, to be abandoned and the liquor shops and opium dens began to flourish as before. But you will be pleased to hear that the temperance work has not died out altogether. Many workers are still continuing their quiet and selfless service in the cause of temperance. We must, however, realise that we would not be able to eradicate the evil till we have Swaraj. It is no matter of pride to us that our children are being educated out of the revenue derived from this immoral source. I would almost forgive the Council-entry by Congressmen if they would boldly sweep out this revenue even though education may have to be starved. Nothing of the kind should happen if they will insist on a corresponding reduction in the military expenditure.

#### Bengal Repression

You will observe that in the foregoing paragraphs I have confined myself to the internal developments.

But the external circumstances, and among them chiefly the acts of our rulers, are affecting our destiny no less surely (though it may be adversely) than the internal development. We may turn them to advantage if we will, or we may succumb to them to our disadvantage. The latest act of the rulers is the repression commenced in Bengal. The All-Parties' Conference condemned it in no uncertain terms. The Conference had hesitation in saying that the blow was aimed at the Bengal Swaraj Party. But I have none. I have been to Calcutta and had the opportunity of meeting men representing a variety of opinion and I came to the conclusion that the blow was aimed at the Swaraj Party. The opinion is confirmed by the speeches since delivered by Lords Lytton and Reading. The defence they have offered is wholly unconvincing. Such a defence is possible only in a place like India where public opinion counts for little or nothing. Lord Lytton's conditions of release are an insult to our intelligence. Their Excellencies beg the question when they tell us that the situation warranted the Ordinance and the action under Regulation III of 1818. The national contention is —

1. That the situation they describe has not been proved to exist,
2. That assuming that the situation does exist, the remedy is worse than the disease,
3. That the ordinary law contains enough powers for dealing with the situation, and lastly
4. That even if extraordinary powers were necessary, they should have been taken from the legislature which is of their own creation.

The speeches of their Excellencies evade these issues altogether. The nation which has had considerable experience of unsupported statements of the Government will not accept them as gospel truth. Their Excellencies know that we cannot and will not believe their statements, not because they are wilfully untruthful, but because the sources of their information have often been discovered to be tainted. Their assurances are therefore a mockery of the people. The speeches are almost a challenge to us to do our worst. But we must not be irritated or be impatient. Repression, if it does not cow us down, if it does not deter us from our purpose, can but hasten the advent of Swaraj, for it puts us on our mettle and evokes the spirit of self-sacrifice and courage in the face of danger. Repression does for a true man or a nation what fire does for gold. In 1921 we answered repression with Civil Disobedience and invited the Government to do its worst. But today we are obliged to eat the humble pie. We are not ready for Civil Disobedience. We can but prepare for it. Preparation for civil disobedience means discipline, self-restraint, a non-violent but resisting spirit, cohesion and above all scrupulous and willing obedience to the known laws of God and such laws of man as are in furtherance of God's laws. But unfortunately we have neither discipline nor self-restraint enough for our purpose, we are either violent or our non-violence is unresisting, we have not enough cohesion and the laws that we obey, whether of God or man, we obey compulsorily. As between Hindus and Musalmans we witness a daily defiant breach of laws, both of God and man. This is no atmosphere for Civil Disobedience—the one matchless and invincible weapon at the disposal of the oppressed. The alternative is undoubtedly violence. We seem to have the atmosphere

for it. Hindu-Muslim fights are our training for it. And those who believe that India's deliverance lies through violence are entitled to gloat over the free fights that take place between us. But I say to those who believe in the cult of violence 'You are retarding India's progress. If you have any pity or friendly feeling for the starving millions, know that your violence will do them no service. Those whom you seek to depose are better armed and infinitely better organised than you are. You may not care for your own lives, but you dare not disregard those of your countrymen who have no desire to die a martyr's death. You know that this Government believes in Jallianwala Bagh massacres as a legitimate means of self-defence. Whatever may be true of other countries, there is no chance of the cult of violence flourishing in this country. India is admittedly the best repository and exponent of non-violence. Will you not better devote your lives if you sacrifice them in the cause of non-violence?'

I know, however, that my appeal to the violent revolutionaries will be just as fruitless as any such appeal to the violent and anarchical Government is likely to be. We must therefore find the remedy and demonstrate to both the violent Government and the violent revolutionaries that there is a force that is more effective than their violence.

#### Repression A Symptom

I regard this repression as a chronic symptom of a chronic disease. European dominance and Asiatic subjection is the formula. Sometimes it is stated still more cryptically as White vs. Black. Kipling miscalled the white man's yoke as the 'white man's burden'. In the Malaya peninsula the colour bar that was thought to be temporary has now almost become a permanent institution. The Mauritius planter must get Indian labour without let or hindrance. The Kenya Europeans successfully lord it over Indians who have a prior right to be there. The Union of South Africa would to day drive out every Indian if it safely could, in total disregard of past obligations. In all these cases the Government of India and the Imperial Government are not helpless, they are unwilling or not so insistent as they ought to be on the protection of Indian settlers. The Government of India have not shown even the decency to publish the report of its own Commission on Fiji. The attempt to crush the indomitable spirit of the Akalis is a symptom of the same disease. They have poured their blood like water for the sake of a cause they hold as dear as life itself. They may have erred. If they have, it is they who have bled in the process. They have hurt no one else. Nankana Sahib, Guru-ka-Bagh and Jaito will bear witness to their courage and their mute sufferings and martyrdom. But the Governor of the Punjab is reported to have vowed that he will crush the Akalis.

One hears that repression is crushing the Burmese spirit.

Egypt fares no better than we do. A mad Egyptian kills a British officer,—certainly a detestable crime. The punishment is not only a detestable crime, but it is an outrage upon humanity. Egypt has nearly lost all it got. A whole nation has been mercilessly punished for the crime of one man. It may be that the murderer had the sympathy of the Egyptians. Would that justify terrorism by a power well able to protect its interests without it?

The repression in Bengal is therefore not an extraordinary thing. We must treat its periodic eruption in some shape or other, or in some province or other, as our normal condition till we come to our own.

#### Need for Sanction.

The Congress, therefore, to be worthy of its trust must devise a sanction to back its demands. Before we can forge the sanction, we, Hindus, Musalmans, Christians, Sikhs, Parsis etc must unite and so should Swarajists, No-changers, Liberals, Home-Rulers, Muslim Leaguers and others. If we can but speak with a united voice and know our own mind it would be well. If we can develop the power to keep foreign cloth from our land, it would be better. We are ready then for the sanction.

#### My Faith.

Let me state my faith. As a Congressman wishing to keep the Congress intact, I advise suspension of non-co-operation, for I see that the nation is not ready for it. But as an individual, I cannot, will not do so, as long as the Government remains what it is. It is not merely a policy with me, it is an article of faith. Non-co-operation and Civil Disobedience are but different branches of the same tree called Satyagraha. It is my *Kalpdrum*—my *Jam-i-Jam*—the Universal Provider. Satyagraha is search for Truth and God is Truth. Ahimsa or Non-violence is the light that reveals that Truth to me. Swaraj for me is part of that Truth. This Satyagraha did not fail me in South Africa, Kheda or Champaran and in a host of other cases I could mention. It excludes all violence or hate. Therefore, I cannot and will not hate Englishmen. Nor will I bear their yoke. I must fight unto death the unholy attempt to impose British methods and British institutions on India. But I combat the attempt with non-violence. I believe in the capacity of India to offer non-violent battle to the English rulers. The experiment has not failed. It has succeeded, but not to the extent we had hoped and desired. I do not despair. On the contrary, I believe that India will come to her own in the near future, and that only through Satyagraha. The proposed suspension is part of the experiment. Non-co-operation need never be resumed if the programme sketched by me can be fulfilled. Non-violent non-co-operation in some form or other, whether through the Congress or without it, will be resumed if the programme fails. I have repeatedly stated that Satyagraha never fails, and that one perfect Satyagrahi is enough to vindicate Truth. Let us all strive to be perfect Satyagrahis. The striving does not require any quality unattainable by the lowliest among us. For Satyagraha is an attribute of the spirit within. It is latent in everyone of us. Like Swaraj it is our birth-right. Let us know it.

**BANDE MATARAM.**

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## Resolutions.

### Resolution I—Condolence.

The Congress then proceeded to discuss the resolutions passed by the Subjects Committee (*vide post* Resolutions of the Congress) The first resolution on the agenda expressed regret at the death of several leaders and was put from the Chair, the whole House standing.

### Resolution II—On the Gandhi-Swarajist Pact

Mr C. R. DAS was then called upon to move the resolution relating to the Pact He said

"It is a matter of great congratulation to me to be asked by the Mahatma to move the second resolution on the agenda I need not read the resolution, but all of you must now be aware of its contents It is a resolution by which the two sections, the two parts of the Congress, are to be united That is the resolution which contains the challenge to the Government that whatever differences of opinion there may remain, the Indian National Congress knows how to stand united in a moment of trouble (hear, hear) I feel so happy to-day For the last few years this is what I have been thinking of and dreaming of day and night You know these unfortunate differences of opinion were expressed at the Gaya Congress Even there I made proposals of unity. I stand before you to-day as a man who has vindicated his membership of the Indian National Congress I have never been a rebel If I have fought against my brethren it is because I thought it my duty to turn the direction of the activities of the Congress I never raised the standard of revolt against the Congress and, after all these years and after these differences are forgotten, the history of the Congress will bear testimony to this that whatever I have done I have done to establish the Congress on a firmer footing. I did not go out of it to form another organisation

"The main thing which stands behind the present settlement is this—that no party can say that the other party is outside the Congress I have as much right to the Congress as any of my friends on the other side That is the position which the resolution recognises Mahatma Gandhi has drawn a circle of love by which he has taken all of us inside the Congress (hear, hear) Pro-Changers and No-Changers, they are all integral parts of the Congress to-day

"To-day the Government is not in a position to say "You are divided against yourselves" Differences of opinion there must be as long as human beings have a right to think, but there is such a thing as love of the country There is such a thing as standing firm and giving our answer to the challenge of the bureaucracy That moment is before us It depends on us now whether the bureaucracy wins or the Indian Nation wins The bureaucracy has given you that challenge They have passed the Ordinance It may be now in one Province, but it may spread to other Provinces I take that the Ordinance is an insult against the whole of this country The whole of India stands attacked to-day What is going to be our answer? That is what I ask you to think about Are the No-Changers to say to the Pro-Changers 'you are irrational human beings, we shall turn you



out of the Congress," or the Pro-Changers to say to the No-Changers "You people have a narrow vision, we shall turn you out of the Congress." That is the feast to which the bureaucracy was looking forward at Belgaum. They were contemplating a huge fight between us. Mahatma Gandhi has defeated that little plan (Cheer). Our answer to-day is do what you may, there is no bureaucracy in the world which can stand against the united Nation. The answer that I want to give is to fight them in all directions. I have got the sinews if you pass this resolution. Give them no quarter, take hold of them wherever you find them, and uproot their foundations.

'What is the idea of Swaraj which haunts me day and night? Some people think of Dominion Status, others think of Independence. None of these expressions will satisfy me. I stand for Swaraj. That is my birthright. What is, after all, independence? Supposing you drive out the Englishmen to-day, do you get Swaraj? No, Swaraj is a higher ideal than that. Swaraj means independence from all obstacles to your nation-building. In the first place, it means independence from all that obstructs your path to realise yourselves. In the second place, Swaraj means the right of self-realisation, the fact of self-realisation, the progressive self-realisation of the Indian nation. That is the meaning of Swaraj. I cannot barter that away for any phrase which comes from the West. If this is your Swaraj, what have you got to do? The whole of your national life is to-day covered by the activities of the bureaucracy. You have therefore to free your field of action from the activities of the bureaucracy. This is independence, but this is one aspect of it. You will find that you cannot remove the sphere of your activities without at the same time building up your nation. That is the other aspect of it. I ask you to keep in view both these aspects.

'I have often been asked if Councils would give us Swaraj. I have answered this question that the Councils will not give Swaraj, but I am afraid I carry no conviction because people who are against the Councils approach me with a great deal of suspicion. I have said over and over again that the Councils cannot give us Swaraj. But at the same time you remove the obstruction that stands in the way of your attaining Swaraj. You get it by your own activity. But what is Swaraj? I am asking you to concentrate your minds on it. My idea is that you should actively work to get, to capture all the fields in which the bureaucracy works. Capture the Councils as long as there is anything to capture. When you have shown the true hollowness of it, when you have destroyed its foundations, leave it for other work. It is not a permanent point of activity with us. Catch hold of all local organisations until you find your efforts successful.

'The great answer I want you to give to the bureaucracy to-day is what is contained in the second part of the resolution, namely, boycott of foreign cloth. It will not only demolish their claim, but at the same time build up your national life in a manner which nothing else can do. Those who do not spin must look to the organisation of spinning. Those who do not weave must look to the organisation of weaving. If we all work hard and do our little, the least that anybody can do, I feel sure that within a short time you will encompass the boycott of foreign cloth. That is the beginning of your freedom. That will be the formation of your

salvation This is the gospel which I preach always I have never spoken one single word against constructive work I have tried to include other activities.

'This resolution gives me liberty of fighting the bureaucracy from all quarters, of destroying what must be destroyed, and of building up what must be built up In the history of the world great empires have been built up and greater empires have fallen If the British bureaucracy think in the littleness of their vision that they are destined to oppress India to the end of the chapter, they are mistaken After all, this is God's world We are being punished for our misdeeds. We must make ourselves worthy of freedom and the moment the Indian Nation comes to itself, the moment the Congress stands united, not only on resolutions but also in action, that day the bureaucracy must disappear (prolonged cheers)."

Moulana MAHOMED Ali, seconding the resolution, said that as Mr Das had explained the history of the Congress since Gaya he did not propose to discuss them A new era had already dawned on the country In this new era Mahatmaji wanted to unite them all and strengthen them through the Charka The No-Changers did not see eye to eye with the Swarajists In their annual programme they, the No-changers, should not be thinking of what the Swarajists were doing, but proceed on their own lines Doubts that existed in the minds of the No-Changers, if the Swarajists would faithfully carry out the franchise, have been cleared by the solemn and sincere assurances of the leaders of the Swaraj Party Even Desabandhu Das had admitted that a conviction was creeping in his mind that even the "mad" man would succeed in his charka The No-Changers without minding what the Swarajists were doing should keep their goal, namely, the boycott of foreign cloth, in view and work for its attainment before the end of the year 1925, if not earlier They must be able to show to the world that foreign cloth had been discarded The new franchise, he admitted, was an unique franchise, an unheard of franchise It was a novel experiment, an unheard of experiment, but then the country was an unique country Where on earth could they find a country of 300 millions being governed by a lakh of foreigners and kept enthralled by them? Such an unique country certainly required unique experiments Was it by the sword that India was won? No, India was won only by the co-operation of Indians and Europeans. It could be freed only by the non-co-operation of Indians with Europeans. There were many among the teeming millions of India who did not get one square meal a day and this charka would give them the ration, and that would enable them to live and become real fighters against the common enemy There was no substitute for charka and there was no sword in India Their only resort was this woman's charka. Everybody must become charkamad, and instead of crying 'Gandhi-ki-jai', he should cry 'Khaddar-ki-jai'.

Moulana HAZRAT MOHANI opposed the resolution He said that the suspension of Non-co-operation once would mean the suspension of Non-co-operation for ever. It was because his Independence Resolution was not allowed in the Subjects Committee that he proposed the second alternative, but as even that failed, he felt constrained to oppose this resolution. He would sacrifice the Swaraj party rather than his conscience. The new franchise in his view would not in any way help them. It would

not prevent the recurrence of Jallianwalla Bagh or solve the Hindu-Muslim question. Also, it was unpracticable. Therefore he could not find his way to support the resolution.

Moulana AZAD SOBHANI also opposed the resolution in Hindi. He said, for the purpose of attaining unity Non-co-operation need not have been suspended. They might have achieved unity by simply taking in the Swarajists. He however supported the part of the resolution relating to the Bengal Ordinance.

Mr. KAUFALJI, who originally opposed the Pact in the Subjects Committee, supported the resolution in the open Congress. The Subjects Committee, he said, was only a deliberative body and he gave expression to his views before that body. But as that body had accepted the Pact, a strict disciplinarian that he was, he felt bound to support it.

Mr. N. C. KELKAR also supported the resolution in Marathi. He pointed out that the agreement was only a compromise and there were two parties to it. If one party to the agreement did not faithfully carry out their part of the agreement, it was open to the other party to throw out the agreement.

Mr. M. V. ABAYANKAR resented some observations made by Moulana Mahomed Ali. While the Moulana was telling them that they were that day going to unite, he did not fail to mention to them that only that day had Desabandhu realised that Mahatmaji was not mad and that the charka was a potent weapon. It contained the insinuation that Mr. Das had till then been considering Mahatmaji to be mad. He would challenge anybody to say whether his leader had at any time considered the Mahatma mad or had deprecated the charka. Having himself once told a Calcutta audience that he would, when opportunity arose, stand for the Council, it did not lie in the mouth of Maulana Mahomed Ali to advise No-Changers that Council-entry was bad. Another statement of Mr. Mahomed Ali also would not stand the test. He told them that the charka would bring them Swaraj. Did they not lose Swaraj when charkas were at their height in this country? So either the charka or the boycott of foreign cloth would not bring Swaraj. He did not believe one atom in the charka, but as a member of the Swaraj Party he would gladly abide by it, however much it might be against his wish, as he did in the early days of Non-co operation.

Swami GOBINDANAND also opposed the resolution. The proposed change, he said, was drastic and revolutionary and he feared it would lead to the creation of another party within the Congress. He believed civil disobedience alone would bring Swaraj.

At this stage M. GANDHI said he had done his best to give a chance to all those who opposed the resolution to address the House.

Pandit MOTILAL NEHRU then wound up the debate. He dissected the points of objection raised by Maulanas Hazrat Mohani and Azad Sobhani. There was no basis, he said, for the statement made by Mr. Hazrat Mohani that it was a packed house compelled to vote one way. Mahatmaji himself had warned them several times to leave his personality out of account. His second charge that the franchise question was not treated as a party measure was also equally without any justifica-

tion. The party had by an over-whelming majority decided to treat this matter as a party issue. He then answered the criticisms levelled against the Swarajists by Moulana Azad Sobani and Swami Gobindanand.

Mahatma GANDHI, before putting the resolution to vote, again uttered a note of warning to the delegates. He appealed to them not to deceive themselves and ought not to deceive others. They should with God as their witness give their vote. If they gave the vote in favour of the resolution they should, he said, faithfully carry it out.

Resolution Passed.

The resolution was then put to vote and carried by an over-whelming majority only about 30 people raising their hands against it.

The Congress then adjourned for the day and met again next day, the 27th December, at 11 A M.

## Second Day—Dec. 27th, 1924

On the second day the remaining items on the agenda were hurriedly gone through. A resolution from the chair appreciated the work of Mr. Naidu, Mr. Vaze and Mr. Chaturvedi for Indians Abroad. The Burma resolution was then passed.

The resolution on Kohat and Gulbarga (see *postea*) was next moved by Pandit MOTILAL NEHRU who said —

"Friends, I do not claim any personal knowledge of the tragedy which is referred to in the resolution. But if I am here to move the resolution it is to commend to your acceptance the principle that it involves and facts which cannot admit of doubt and which are above controversy. In Kohat a tragedy has taken place the like of which has not been known in India for many years and, indeed, I do not remember in my life-time, which is not a very small period, of anything approaching the tragedy in Kohat. There is no doubt that the Hindu population of Kohat, which is in a very small minority, have suffered greatly and grievously. There is no doubt also that the inquiry which took place, a whole-and-corner inquiry by the Special Magistrate, has been thoroughly inadequate and unsatisfactory and based upon materials as to which the public cannot be taken into confidence by the authorities. These are the two facts. The principle is that Hindus and Muslims have to depend upon themselves for their salvation. No amount of protection accorded by the Government under their benign laws, no amount of police force, no amount of military protection which is always held out before you, can save you unless you try to save yourselves. What has happened? There are two instances before you, one from each extreme of India. You have the tragedy in Kohat and the tragedy in Bengal. What has taken place under the Ordinance in Bengal can only be described as another tragedy. Government feared the consequences of the activities of Anarchical Societies, and all and sundry who may or may not have anything to do with the anarchical crimes are arrested and safely confined to jail. What happened in the other extreme? A painful and heart-rending tragedy—the whole of a quarter of the town was burnt down. You know the loss of lives which

has taken place Temples have been desecrated. There is not the slightest doubt and there can be no two opinions in any reasonable being that the desecration and the burning of the Hindu property could only have been from the hands of their Mahomedan neighbours, and whatever sufferings were entailed on the Mohomedans they could only have been inflicted by the Hindus I do not propose to go into the question as to who was responsible for the beginning of the trouble or who took the initiative, because this is not the time for us to apportion the blame upon the parties concerned The resolution is a non-controversial one. It commits the Congress to nothing, neither to the Hindu view nor the Mussalman view It stands upon such facts as are known and asks for an open enquiry, either by the Board which has already been appointed by the Unity Conference, or by a similarly public and representative body appointed by the people of India Whatever you do, you must accept only the decision of a committee which has the confidence of the public It advises the Hindus not to go back to Kohat until they are assured of protection by their Mussalman brethren. It has been proved that the British bayonets, the British force, and the machine guns are not meant to protect the citizens They are simply meant to perpetuate this Government of force on our people Because it is the people and people alone that suffer As soon as a breath is heard against the Government itself, all men, honest or dishonest, criminal as well as innocent people, are huddled together in jail and there is no possible chance of their being heard by the Government. It is on that principle I ask you to accept the resolution in regard to Kohat and Gulburga "

Maulana SHAUKAT ALI, in seconding the resolution in Urdu, said he was deeply humiliated to have to come to support the resolution He thought he should keep at a mile's length from all places of these disgraceful riots, be they due to Mussalmans or to Hindus Regarding Kohat he had a letter from the Khilafat Secretary, Kohat, which revealed the fact that telegrams which Mahatmaji and he had sent to Kohat Mussalmans had never reached them, that Government attempts to bring about reconciliation had failed, and that both Hindus and Mussalmans were of their own accord trying to bring about reconciliation, but they would invite all leaders to go to Rawalpindi and solve the thorny problem The speaker said he was deeply ashamed of what happened at Gulburga, and also knew that His Exalted Highness was also deeply pained over the fact that his own officer had spoilt the good name of his ancestors.

Lala LAJPAT RAI, in the course of a long speech, said that there are two, probably three, stories about the incidents that took place at Kohat There is the Hindu version, and a Mussalman version, and perhaps a third version which the Government had adopted. He then detailed certain facts about the tragedy at Kohat and said

'The Kohat tragedy is a unique incident of its own kind which is unparalleled in the history of British rule in India. Its importance requires that all of you should realise the consequence of it and try your best to root out all the causes which have brought about this, regardless of any other consequences I do honestly believe that there is no salvation for India unless we can solve the Hindu-Moslem problem There is absolutely no salvation for us, no Swaraj, no peace, no emancipation and no prosperity, no Khaddar and no Swadeshi,

unless you solve this problem to the satisfaction of both the communities (Hear, hear and applause). What solution may lead to Hindu-Moslem unity, I do not know. The final solution is in the hands of the Gods. I ask all of you to postpone every other subject and devote practically the whole of your knowledge to the solution of this problem, because on the solution of this problem not only hangs the fate of India, but, if I am permitted to say, the fate of the whole continent of Asia.

'Now, I am not here on this platform to blame either the Hindus or the Muhammedans for the Kohat tragedy. It is admitted by all the three parties that long before the introduction of the pamphlet alleged to be the immediate cause of the disturbance, the feelings of Hindus and Musalmans of Kohat were strained. Then comes one of the disputes about the tank and that, when that was settled, cropped up the trouble about the pamphlet. On the 22nd August, the Janmashtami Day, a pamphlet was distributed or sold, about 35 or 40 copies, containing a poem very scurrilous and insulting to Islam. I am ashamed to say that any Hindu should have penned that poem. It was rightly objected to by the Mussalmans of Kohat. The defence of the writer was that it was a written reply to a most scurrilous attack by a Mahomedan scribe. But that is no defence at all. I refuse to accept that defence because retaliation of such a thing is wiser than the offence itself. On 22nd August, 35 or 40 copies of this pamphlet were sold or distributed. About the 1st September a dispute arose between them about the tank and was disposed of in favour of the Hindus by the Mahomedan Assistant Commissioner. The Mahomedans raised the question of this pamphlet. Elderly men suggested that they were ignorant of it. On the 2nd September the Hindus of Kohat passed a resolution expressing their regret regarding the publication and asking pardon of their Mahomedan brethren and sent copies of the resolution to the Khilafat Committee and individual Mahomedan leaders and authorities. It appears that after this Jivandas was arrested and security of Rs 10,000 was demanded. At the time of the arrest the Assistant Commissioner called for all the copies. In open court and in the presence of every body, he burnt all the pamphlets.

'It is said that on the front page of the pamphlet there was a picture of Sri Krishna and the burning of it wounded the feelings of the Hindus. The Hindus observed an incomplete hartal as a protest against the burning of that portrait. Anyhow the authorities succeeded in bringing it round and the hartal was stopped. The Mahomedans expressed dissatisfaction at the apology, but nothing serious happened and Jivandas was arrested under Section 107 Cr P. C. He was only released on bail by the Deputy Commissioner. After that release the Mahomedan anger was increased. They expressed dissatisfaction at the conduct of the officials, and it is said that at a meeting of the Mahomedans every one of them took a *vow of divorce*.

#### The Divorce Vow.

The vow is something like this. If their demands are not satisfied, they took a vow to take the law into their own hands. Early on the morning of the 9th, dispute in a way began. The Government of India say in their resolution that it is impossible to guard against panic and it is difficult to say what action the authorities

could have taken to avert the outbreak. Had the Deputy Commissioner heard of the divorce vow on the night before, he might have called for troops. The Chief Commissioner says that if early on the morning of the 9th that report had reached him, he might have called the troops. At 1 A.M. on the 9th September, however, the Court Inspector verbally made a report of that vow to the Superintendent of Police and he told him to give that report in writing. He gave that report in writing at 6 A.M. The Superintendent returned the report asking him to give the names of persons who had taken the vow now. It cannot be said that the report had not reached them early in the morning. In fact within an hour of the taking of the vow, the first report was received, namely at 1 A.M. The second report was received at 6 A.M., the third report between 6 and 10 A.M. At 10 A.M. the Hindus again telegraphed to the Chief Commissioner and Deputy Commissioner about the seriousness of the situation and yet we find the authorities say that they had no information.

'I don't think any more elaborate or deliberate false plea could have been made by anybody. I need not say the rest. This will show you in what way the situation was handled. On the 9th a section of the Mahomedans met the Deputy Commissioner at the Town Hall. He also received a report from the Hindus. Did he take any action? The authorities say that the Mahomedans were satisfied that their grievances were redressed by the promise that the proper thing will be done. It is always the way in which the authorities make assumptions and lay responsibility at the door of Hindus, Mussalmans or anybody else. Here there was a clear danger of riot, of Hindus and Mussalmans coming to blows. The Hindus warned the authorities on the situation on 8th, 9th and 10th and sent telegrams directly to the Deputy Commissioner, Superintendent of Police and the Chief Commissioner, but no action was taken. Afterwards when the tragedy has been enacted, they come round and say that they had no information. That is the plea made by the Government which spends millions of money on the C. I. D. A similar tragedy was enacted at Guru-ka-bagh, a few miles from Amritsar, and yet when the Governor and his Council came to Amritsar they would not go to see them. People came from the scene of tragedy and told them what was done. The Governor and Council told them that it was incredible and they could not believe that that had been done. When they were asked "why not you go and verify," they said they won't do it. If you can't go to the scene, why not you go to the hospital where the wounded are lying? No. That interferes with their prestige. How callous, how indifferent, how criminally negligent the authorities are on occasions like this! They would not go and see with their eyes, but always relied on the reports of their own Criminal Investigation Department who always tell them lies and do not give information in time and would not take information from people, even if it be given in time. That is the sort of administration we are having.

'I do not want to say much, but one thing I would tell you with regard to one part of the resolution. I am firmly convinced in my mind, and I have no doubt, that the Hindus of the Frontier Province cannot live in that province unless they get the goodwill and friendship

of the Mahomedans. The Hindus of that province are a mere spot in the ocean, 94 per cent of Mahomedans and 6 per cent of Hindus. Especially when you add to it the population of the neighbouring territories called the independent tribes, you will realise that the Hindus cannot live in peace or with any security unless with the goodwill and friendship of Mussalmans. Now I told you that the Kohat riot was unparalleled in the history of British India and even in the frontier province, where you find looting, dacoities and kidnappings,—never do I remember of having heard of any communal troubles between the Hindus and Mahomedans on the scale on which this tragedy has taken place. But now there has come some change and I have not got the authority or the material to say how the change was brought about. I would, therefore, ask the appointment of an independent committee to find out the reason why this change has come about and who is responsible.

‘One thing I want to remind you. Don’t you think that you people of the South and West are so far away from Kohat that you will not be affected. Fortunately or unfortunately, the communal conscience is growing apace *pari passu* with the national conscience, and you have to re-unite the two if you want a free and united India. The communal conscience must be re-united to the national conscience so as to remove the hostile part that prevents them from working smoothly and peacefully. You must remember that that conscience is no longer confined to one province or to one part of a province. One Kohat affects the peace of the whole of India. The repercussion of Kohat will take place in every part of the country and will be of momentous consequences. Every aspect of national and communal life should be taken into account.

‘One part of the resolution advised the Hindu exiles of Kohat as to what they should do. I don’t express any opinion against it but I leave it to Mahatma Gandhi to find a solution. I endorse the sentiments contained in the letter which was read to you by Mr. Shaikat Ali. If the Hindu and Mahomedan leaders of the country want peace, progress, mutual trust and Swaraj generally, they must at once proceed in a body to Rawalpindi and try to effect a settlement as early as possible under the circumstances.”

Moulana ZAFAR ALI KHAN regretted that Lalaji should have referred to the details of the Kohat tragedy and compelled him to correct some of them. Whilst he was proceeding Dr. Mahmud rose to a point of order and asked whether the speaker was not himself guilty of the fault he had attributed to his predecessor. The audience also cried “sit down” and the speaker abruptly concluded saying that he supported the resolution. It was then put to the vote and carried.

#### Untouchability

Mr. L. B. BHOPATKAR moved the resolution on untouchability in Marathi in a lengthy speech. Babu Sailasnath Bisi seconded it. Several other speakers then supported and mentioned in this connection the Vaikom Satyagraha campaign. After K. Ganapathi Sastrigal and Pundit Divekar Shastri had spoken in support of the resolution it was passed by an overwhelming majority, Mr. Aney only voting against it.



## Resolution on Indians Overseas

The resolution on Indians Overseas was moved by Sreemati SAROJINI NAIDU who delivered a long and impressive speech in the course of which she said that the resolution is too little coloured with the life-blood and with the suffering to which our people abroad are doomed. 'I agree that till Swaraj is obtained in India we, the Congress, cannot effectively help or come to the relief of the Indians overseas. I nevertheless believe that the Congress is a sufficiently powerful body to put such moral pressure upon the Imperial and Indian Governments that they should be compelled to do their duty by our people across the seas.

'Ever since I returned I have been pressing for a Round Table Conference and when in South Africa I had the privilege of visiting the Ministers and made a suggestion of a Round Table Conference General Smuts and his party, General Hertzog and his party, Colonel Krassmann and his party, were willing and anxious to consider this Round Table Conference, but the people of India failed because they did not sufficiently prove themselves in earnest in backing up the opinion of their own ambassador to South Africa. We in India have a power that we do not realise 160 thousand more or less exile children of India are also being disinherited from the land where they have inviolable rights. Are we merely going to pass an academic resolution expressing helpless lip-sympathy? The White people deprive them of their natural rights. The Natal Ordinance deprives them of their inalienable rights. Are we to treat it as an academic question, saying it is merely a question of race prejudice, or are we going to solve it by going down to its roots and help our brethren? I know my countrymen will be angry with me for saying so. It is partly the economic pressure in Natal that gives acuteness to the race feeling. Merely saying it is race feeling will not help our brethren. They look to us for more practical help to stretch out the hand of fellowship which will enable them to stabilise their moral position, to concentrate their moral strength and to preserve the integrity of their ideal which bids them keep alive and untainted the ideal of Indian heritage which is theirs though they be colonial, coloured or white.

'The Kenya question is a more recent question, a more difficult question. Wherever it is economic pressure, it is nothing but the greed of the White settlers who want to grab the whole of that fertile and fruitful country and to create a black army against the peoples of Asia. I feel there too we have neglected our duty, there too we have been content with agitation on platforms. We were outraged in our feelings because forsooth the highlands were not given to the Indians. We were outraged in our feelings because they proposed segregation. We were outraged in our feelings, but after speeches were made and resolutions recorded not one of us has had the earnestness and honesty to pursue further with indignation and put it into practical effect. Kenya, S. Africa and Mauritius, or the Fiji and the Malaya States, the question remains the same that colour prejudice is always there, that economic problem is always there, the disintegration of the people without a leader in the Colonies is always there. Since Mahatma Gandhi left Africa he left fatherless children and leaderless people. For the last 10 years these children have been groping and struggling in the dark. I said to General

Smuts and General Hertzog "When you take your people back, then speak to me of taking my people back, not till then. Not even then shall my people be moved by force or fraud from this land where the bones of their fathers are testimony to the wealth of the White man. They have contributed to the wealth of the country by the sweat of their brow, to the progress of your plantations, and they have heaped gold upon gold for you, victory upon victory, power upon power, for you to tyrannise over the hand that feeds you"

In the end she exhorted them to send messengers of hope to the overseas Indians and stop further emigration of Indian labour

Mr. R K SHANMUKHAM CHETTY M L A. in seconding the resolution said that when the indenture period was over, the Indian settler in S Africa was ostracised and ill-treated. It was one long series of humiliation and degradation. When Swaraj was claimed friendly critics pointed to social disabilities such as untouchability and asked how in their own country millions of human beings were treated as untouchables. They dared not ask for Swaraj when the claim for equality of treatment for Indian settlers was put forward. It was pointed out that the problem was not a racial, but an economic problem. An instance of racial arrogance was illustrated in the case of Mr Sen, one of the Indian members of the Robertson Commission. He had to stay some time in a boat because no hotel would give accommodation to Indians there. It was only after the persuasion of Sir Benjamin Robertson that Mr Sen was taken into on the condition that he should have his meals in his own room and not come into the dining hall. Apart from the theoretical right it must be conceded that the elementary rights of the people who have already settled must be safeguarded. He then instanced the case of Trinidad. Racial prejudice was at the bottom of the whole trouble. It was not merely the question of Asiatic versus European. A Japanese was respected because he had the support of a self-governing nation. Because the Indian settler could not count upon the support of a self-governing people, his demands were ignored and he was ill-treated. It was not until they established Swaraj could they vindicate the honour of their countrymen abroad.

The resolution was put to vote and carried unanimously.

#### Dr. Besant Comes & Addresses Congress

At this stage Dr Annie Besant came in followed by a retinue of Theosophists. The Mahatma received her cordially and the whole House received her standing. She requested the President to allow her to make a statement. The Mahatma at once agreed and stood up as she entered the rostrum.

Dr BESANT, introduced by Mahatma, made the following statement: 'Friends, by the courtesy of your President I am allowed to say to you a few words before you finish your meeting. I would ask you, if you think it is right, to think over during the coming year so that you may open the doors of the Congress to all political parties in India. We shall have by the arrangement of the Unity Conference in Bombay a meeting on 23rd January to consider a scheme for the establishment of Swaraj. I feel, perhaps as an ex-President of the Congress, a little jealous for the Congress that some other Conference of all parties should be called

together, while in the Congress there are some political parties who find themselves shut out. I do not believe that any of you desires to shut out any political party from working with you for the freedom of India. India is too mighty to refuse the services of any of her children who desire to make her once more ruler in her own household and to crown her with the crown of freedom in this continent. You may say to me "You are not an Indian, you do not share our birth." It is true I am not India-born, but if you are a free nation and have a right to give naturalisation, then I should be a naturalised Indian as I am one on my own adoption, because I love the land so truly beyond any other land on earth, because I deem it a privilege of my life to be allowed to work among her children to win freedom for Bharata Mata. Therefore I would plead to you to allow us, though we do not agree with you in everything, to work with you for the birthright of freedom to the Motherland. I have no right, and I am not going to re-open in this Congress the resolution that you have passed, but I would ask you during the coming year to think it over and at your next Congress at least to throw your doors of welcome wide open to every political party in India that is working for Swaraj, and because I hope to see that, let me tell you very very shortly why it is that some of us feel that you have not opened your door wide enough to admit us.

"You have the party of Liberals here, to which I myself have never belonged and do not belong, but I know, for I have worked with them, that they have men among them who love India as truly as any one of you and would do honour to India in any country in the world. They are shut out by this resolution you have passed. They cannot or will not spin. They want that point. I do not feel it a principle. I promised your President that I would spin half an hour every morning and I have done it (Cheers and laughter). I have no prejudice against spinning (hear, hear) and when he said to me it would encourage some of the poor, I gladly said, "I will give half an hour to spinning, but I cannot pledge myself to spin two thousand yards of yarn every month." I cannot work at that rate and I won't buy a substitute, for I think that that is not fair spinning and, when it is not contributing the work of your own hands, I do not care. To me it is an evasion though, I am sure, not to many of you. I ask you not to make that an essential test of taking part in your deliberations and once more I ask you that every party, every political party shall be equal in the Congress of the Nation (Hear, hear). I do not think that is an unfair claim. It was the policy of the Congress for all the years before this. Always every political organisation sent its members to the Congress and all stood on one equal platform and they enriched the Congress of their days. They do not weaken it in the face of the world, but as long as Liberals, Moderates, National Home Rulers are all shut out, because they say 'we do not agree with one party only in the Legislatures,' it must weaken it. Men of all parties there are in the Legislatures to-day, every party has members in those Councils and why should they be put at a disadvantage by allowing only one party to speak in the name of the Congress? Far better to allow them to say what they believed to be best and

meet here as we have met so many years, differing intellectually in some of our opinions though united by one love for the common motherland, and so, though you have now thought it right to make the door in that way only partly open, it may be that before next year all political parties shall join in equal brotherhood and equal right of opinion

'To me freedom of speech, freedom of expression, is so vital a part in a country's life that for my worst enemy I would claim freedom of speech, for I believe in the old words that truth only conquers and not falsehood. Let those who come say the wrong that they believe, let every one come and put his case before you, and then the whole country can speak to Britain and say with one voice "We demand Swaraj." That has been my dream for years. I have been asking for it, striving for it, not only here, but in other lands as well. I pray to you to think the matter over. I do not ask more, but I do want that when we go and say that Indians have made their own constitution and they present it for imperial sanction next year to Parliament, when that comes, as come it will, for all the forces of righteousness are fighting for India's freedom to-day, I pray that it may not lie in the mouth of any nation to say that "You have not got the Congress with you, and the Congress is the national institution of India." You cannot be national while you shut out any party as a party. You cannot be national while only one party may speak for you in the Councils of the Nations, and it is because I felt that so strongly that I ventured to ask your President to allow us all who do not agree with the Swaraj Party to come here as members of the Congress without deserting our own political beliefs and then we shall be like the bundle of sticks. There are many in the bundle, each weak by itself, but tie them together with the string of the Congress and no power in heaven or earth shall be able to break that bundle of men determined to be free."

Mahatma GANDHI in thanking Dr. Besant said

'You have heard the statement Dr. Besant has made. You will not expect me to make any remarks upon that statement. You will not ask me to open a discussion upon it, Dr. Besant has not made the statement as I know in order that she may have some. Really just now she has made that statement from a sense of duty lest her silence, if she did not speak, might be construed into meaning that we had her endorsement to the resolution that we passed yesterday. But I hope I may give her the assurance of this Congress that all she has said will command our respectful attention and that no stone will be left unturned by this Congress or Congressmen and Congress women to open the door wide in so far as it is humanly possible for the entry of every party that has the interest of India as its creed and every party whose goal is Swaraj for India. With these words I close this incident. I reaffirm my request to Dr. Besant that, whether she and other parties are able to join the Congress or not, the Congress will always be able to secure her and every party's sympathy and support in anything and everything that may commend itself to their attention.'

## President's Concluding Remarks.

Mahatma GANDHI, in his concluding speech in dissolving the session, said

'I do not think any President could possibly have received greater attention and greater affection than you, the delegates, have shown to me and extended to me. It has been the greatest delight to me to preside over your deliberations here and in the Subjects Committee. Every one of you have readily responded to every call I made. I have not walked with you, but I know I have run you, and I have put a speed on you. You are impatient. I am impatient. We want to march towards Swaraj and our march ought not to be at the snail's pace, but a double quick march and, if we are to move forward, there is not a minute to be wasted. I could not possibly waste a single minute of your time. I could not afford to waste my time and therefore I had to put speed, and it is a wonder that you have responded so nobly. You have not charily done this thing when you have extended magnificent generosity.

'No man could possibly have claimed more, asked more and got more. You have given all that I could possibly ask, but what I now ask is something more, something better and something richer. I want you to transfer all this noble affection, all this generosity that you have shown me, to the thing which you and I hold dear, to the thing which alone binds you and me together, and that is Swaraj. And if we want Swaraj, we must know the conditions of Swaraj and you endorsed those conditions in the resolution moved by Mr Das on the pact. Every one knows the conditions and I want you to fulfil them to the letter and in spirit and insist upon others that they will fulfil those conditions, not by force, but by love, exertion and influence, and all the pressure that love can exert upon every one that concerns. Go throughout your districts and spread the message of Khaddar, the message of Hindu-Muslim unity, the message of untouchability, and take up in hand the youngsters of the country and make them real soldiers of Swaraj. But you will not do it if the No-Changers and Swarajists still bear malice against each other and if they still have jealousy against one another. It will be possible only if you bury the hatchet, leave all the jealousies, all anger and all that is bad in your heart, bury underground, cremate it. Do whatever you like but take away the sacred resolution with you that "let Heavens fall but the tie that binds us to-day, the tie that has bound the Swarajists and No Changers, shall never snap".

'Let me conclude with expressing our deepest thanks to every member of the Reception Committee and the volunteers under the leadership of Dr Hardikar."

Pandit Motilal Nehru, in proposing a vote of thanks which was lustily responded to, hoped that every one, be he a Swarajist or a No-Changer, would perform the undertaking entered into by the pact.

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# Resolutions of the

## INDIAN NATIONAL CONGRESS, BELGAUM 1924.

THE FOLLOWING RESOLUTIONS WERE PASSED BY THE 39TH  
SESSIONS OF THE INDIAN NATIONAL CONGRESS HELD AT  
BELGAUM ON DECEMBER 26TH & 27TH 1924

### I. Condolence.

The Congress records with sorrow the deaths of B. Amman, Sir Ashutosh Choudhry, Sir Ashutosh Mukherji, Mr Bhupendranath Basu, Dr Subrahmanya Aiyer, Mr G M Bhargu, Mr Dal Bahadur Giri, Mr. Govind Vyankatesh Yalgı, Mr Waman Rao Moharir, Mr T V Gopalswami Mudaliar and Mr C V P Shivam, and also of Messrs. Rustomji Jivanji Ghoikhodu and P K Naidu in South Africa, and tenders its respectful sympathy to the bereaved families

### II Gandhi-Swarajist Pact & Spinning Franchise.

A—(1) The Congress hereby endorses the following agreement entered into between Mahatma Gandhi on the one hand and Deshbandhu C. R. Das and Pandit Motilal Nehru, acting on behalf of the Swaraj Party, on the other —

Whereas although Swaraj is the goal of all the parties in India the country is divided into different groups seemingly working in opposite directions, and whereas such antagonistic activity retards the progress of the nation towards Swaraj, and whereas it is desirable to bring so far as possible all such parties within the Congress and on a common platform, and whereas the Congress itself is divided into two opposing sections resulting in harm to the country's cause, and whereas it is desirable to reunite these parties for the purpose of furthering the common cause, and whereas a policy of repression has been commenced in Bengal by the local government with the sanction of the Governor General, and whereas in the opinion of the undersigned this repression is aimed in reality not at any party of violence but at the Swaraj Party in Bengal and therefore at constitutional and orderly activity, and whereas therefore it has become a matter of immediate necessity to invite and secure the co-operation of all parties for putting forth the united strength of the nation against the policy of repression, we the undersigned strongly recommend the following for adoption by all parties and eventually by the Congress at Belgaum —

“The Congress should suspend the programme of non-co-operation as the national programme except in so far as it relates to the refusal to use or wear cloth made out of India

“The Congress should further resolve that different classes of work of the Congress may be done as may be found necessary by different sections within the Congress and should resolve that the spread of hand-spinning and handweaving and all the antecedent processes and the spread of hand-spun and hand woven Khaddar, and the promotion of unity between different communities, specially between the Hindus and the Mahomedans, and the removal of untouchability by the Hindus from amongst them, should be carried on by all sections within the Congress, and the work in connection with the Central and Provincial Legislatures should be carried on by the Swaraj Party on behalf of the Congress and as an integral part of the Congress organisation, and for such work the Swaraj Party should make its own rules and administer its own funds

“Inasmuch as experience has shown that without universal spinning India cannot become self-supporting regarding her clothing requirements, and inasmuch as hand-spinning is the best and the most tangible method of establishing a visible and

substantial bond between the masses and Congressmen and women, and in order to popularise hand spinning and its products, the Congress should repeal Article VII of the Congress constitution and should substitute the following therefor —

"No one shall be a member of any Congress Committee or organisation who is not of the age of 18 and who does not wear hand spun and handwoven khaddar at political and Congress functions, or while engaged in Congress business, and does not make a contribution of 2,000 yards of evenly spun yarn per month of his or her own spinning or, in case of illness, unwillingness, or any such cause, a like quantity of yarn spun by any other person"

(h) The Congress hopes that the agreement will result in true unity between the two wings of the Congress and will also enable persons belonging to other political organisations to join the Congress. The Congress congratulates the Swarajists and others arrested under the the new Ordinance or Regulation 3 of 1818 and is of opinion that such arrests are inevitable so long as the people of India have not the capacity for vindicating their status and liberty, and is further of opinion that such capacity can in the present circumstances of the country be developed by achieving the long deferred exclusion of foreign cloth, and therefore as a token of the earnestness and determination of the people to achieve this national purpose, welcomes the introduction of handspinning in the franchise and appeals to every person to avail himself or herself of it and join the Congress

(i) In view of the foregoing the Congress expects every Indian man and woman to discard all foreign cloth and to use and wear handspun and handwoven khaddar to the exclusion of all other cloth

With a view to accomplish the said purpose without delay the Congress expects all Congress members to help the spread of handspinning and the antecedent processes and the manufacture and sale of khaddar

(iv) The Congress appeals to the Princes and wealthy classes and the members of political and other organisations not represented on the Congress, and municipalities, local boards, panchayats and such other institutions, to extend their help to the spread of handspinning and khaddar by personal use and otherwise, and especially by giving liberal patronage to the class of artists, still surviving, who are capable of working artistic designs in fine khaddar

(v) The Congress appeals to the merchants engaged in the foreign cloth and yarn trade to appreciate the interests of the nation, and discontinue further importation of foreign cloth and help the national cottage industry by dealing in khaddar

(vi) It having come to the notice of the Congress that varieties of cloth are manufactured in mills and on hand looms out of mill yarn and sold in the Indian market as khaddar, the Congress appeals to the mill-owners and other manufacturers concerned, to discontinue this undesirable practice and further appeals to them to encourage the revival of the ancient cottage industry of India by restricting their operations among those parts of the country that have not yet come under the Congress influence and appeals to them to discontinue the importation of foreign yarn.

(vii) The Congress appeals to the heads and leaders of all religious denominations, whether Hindu, Muslim or any other, to preach to their congregations the message of khaddar and advise them to discontinue the use of foreign cloth

B. The present Article VII of the Constitution to be repealed and the following to be substituted therefor —

(f) Every person not disqualified under Article iv shall be entitled to become a member of any primary organisation controlled by the Provincial Congress Committee, provided that no one shall be a member of any Congress Committee or organisation who does not wear handspun and handwoven khaddar at political and Congress functions or while engaged in Congress business, and does not make a contribution of 24,000 yards of evenly spun yarn per year of his or her own spinning, or in case of illness, unwillingness, or any such cause, the same quantity of yarn spun by any other person, provided also that no person shall be a member of two parallel Congress organisations at one and the same time

(g) The year of the membership shall be reckoned from 1st January to 31st December. The said subscription shall be payable in advance and may be paid in instalments of 2000 yards per month payable in advance. Members joining in the middle of the year shall contribute the full quantity due from the beginning of the year

*Transitory Provision*—During 1925 the subscription shall be 20,000 yards only and shall be payable on or before 1st March or in instalments as aforesaid

(h) No person shall be entitled to vote at the election of representatives or delegates, or any committee or sub committee of any Congress organisation whatsoever, or to be elected as such, or to take part in any meetings of the Congress or any Congress organisation or any committee or sub committee thereof, if he has not contributed the yarn subscription or the instalments due

Any member who has made default in the payment of the yarn subscription may have his or her rights restored by paying the subscription in respect of which the default has occurred and the instalment for the month then current

(i) Every Provincial Congress Committee shall send to the General Secretary, All India Congress Committee, from month to month returns of membership and of the yarn received by it in virtue of this Article. The Provincial Congress Committee shall contribute 10 per cent of the yarn subscriptions or their value to the All India Congress Committee

(j) Delete Article VI (e) and Article IX (b) of the Constitution

### III Indians Overseas

The Congress notes with deep sorrow the increasing disabilities of the settlers overseas and records its opinion that the Indian and Imperial Governments have failed to protect the interest of the settlers which they have repeatedly declared to be their trust. The Congress, whilst tendering its sympathy to the settlers in their troubles, regrets its inability to render effective assistance until Swaraj has been attained

The Congress notes with profound dissatisfaction the sanction given by the Governor-General of the Union of South Africa to the Ordinance of the Natal Provincial Legislature depriving the Indians domiciled there of the municipal franchise which they have long enjoyed

The Congress regards the question of the deprivation of the franchise as not only manifestly unjust but also a breach of the agreement of 1914 between the Union Government and the Indian community and the past declarations of the Natal Government

The Congress is of opinion that the so-called settlement of the Kenya question is nothing short of the deprivation of the natural and just rights of the Indian settlers in Kenya

### IV Appreciation of Services.

The Congress places on record its appreciation of the great services rendered to the cause of the Indians overseas by Shrimati Sarojini Naidu



who by her energy and devotion endeared herself to the Indian settlers and by her persuasive eloquence gained a sympathetic hearing from the Europeans there

The Congress also notes with gratitude the services rendered to the cause of the settlers of the Kenya by Mr. Vaze of the Servants of India Society and Pandit Benarsidas Chaturvedi.

#### V Burma

The Congress tenders its respectful sympathy to the people of Burma in their troubles and trusts that they will not be awed or cowed down by the repression now going on in their midst.

The Congress notes with regret the tendency among the Indian settlers in Burma to claim communal representation and strongly advises them not to make any such claim as such separatist tendency is bad in principle

#### VI Kohat and Gulbarga.

The Congress deplores the Hindu-Muslim tension and the riots that have taken place in various parts of India. The Congress deplores the riots that recently took place in Kohat resulting in loss of life and destruction of property including temples and Gurudwaras, and is of opinion that the local authority failed to perform the primary duty of protection of life and property. The Congress further deplores the enforced exodus of the Hindu population from Kohat and strongly urges the Musalmans of Kohat to assure their Hindu brethren of full protection of their lives and property and to invite them to return as their honoured friends and neighbours. The Congress advises the refugees not to return to Kohat except upon an honourable invitation from the Kohat Musalmans and upon the advice of Hindu and Musalman leaders. The Congress advises the public, whether Hindu and Musalman, not to accept the finding of the Government of India as also of others on the Kohat tragedy and to suspend judgment till the board appointed by the Unity Conference or some other equally representative body has enquired into the unfortunate event and come to a decision upon it.

The Congress express its heart-felt sympathy for the sufferers in the Gulbarga riots and condemns desecration committed on the places of worship in that town.

#### VII. Untouchability.

The Congress notes with satisfaction the progress in Hindu opinion regarding the removal of untouchability, but is of opinion that much yet remains to be done and therefore appeals to the Hindu members of all Congress organisations to a greater effort in the cause. The Congress hereby urges the Hindu members of Provincial Congress Committees to devote greater attention to the amelioration of the lot of the depressed classes by ascertaining their wants, such as in regard to wells, places of worship, facilities for education etc, and making provision for meeting such wants. The Congress congratulates the Satyagrahis of Vaikom, who are engaged in asserting the right of way of untouchables through a thoroughfare which is open to caste Hindus, on their non violence, patience, courage and endurance, and hopes that the

State of Travancore which is regarded as enlightened will recognise the justice of the Satyagrahis' claim and grant speedy relief.

#### VIII. National Educational Institutions.

The Congress is strongly of opinion that the hope of the future of the country lies in its youth and therefore trusts that the provincial committees will strive more vigorously than they have done to keep alive all national educational institutions. But whilst the Congress is of opinion that existing national educational institutions should be maintained and new ones opened, the Congress does not regard any such institution to be national which does not employ some Indian language as the medium of instruction and which does not actively encourage Hindu-Muslim unity, education among untouchables and removal of untouchability, which does not make handspinning and carding and training in physical culture and self-defence compulsory, and in which teachers and students over the age of 12 years do not spin for at least half-an-hour per working day, and in which students and teachers do not habitually wear khaddar.

#### IX Paid National Service.

Whereas it has been discovered that many otherwise deserving men are unobtainable for National Service because of their reluctance to accept remuneration for service, the Congress places on record its opinion that there is not only nothing derogatory to one's dignity in accepting remuneration for National service, but the Congress hopes that patriotic young men and women will regard it an honour to accept maintenance for service faithfully rendered and that those needing or willing to do service will prefer national to other service.

#### X Changes in Constitution

*Delegation fee* In Article XI "Rs 10" to be altered to "Re 1".

In Article XXIII—Add after the first sentence ending with the word "Congress" "The treasurers shall be in charge of the funds of the Congress and shall keep proper accounts of them. The General Secretaries shall be in charge of the office of the All India Congress Committee and shall be responsible for the publication of the report of the proceedings of the session of the Congress and of any special sessions held in the course of the year, in co-operation with the Reception Committee. Such report shall be published as soon as possible and not later than four months after the session, and shall be offered for sale."

Add at the end of Article XXIII "and published along with the next Congress report"

#### XI. Akali Movement

The Congress congratulates the Akalis on the patient endurance and courage with which they are carrying on their struggle for Gurudwara reform and hopes that these qualities of theirs will withstand and survive the insidious attempts now being made by the Punjab Government to crush the spirit of the brave Akalis.

The Congress views with horror and indignation the report of over one hundred deaths among the Akali prisoners in Nabha jail and expresses the strongest disapproval of the refusal of the Nabha authorities

to permit the Akali Repression Enquiry Committee, appointed by the Congress Working Committee, to visit the jail. The Congress is of opinion that the phenomenal mortality among the prisoners is proof of inhuman conduct of the authorities towards the prisoners.

The Congress tenders its respectful sympathy to the bereaved families

## XII. Drink and Opium Traffic.

The Congress notes with satisfaction that notwithstanding the setback suffered by the campaign against the use of intoxicating drinks and drugs initiated in 1921, Congress workers in several parts of the country have continued it with vigour and determination. The Congress hopes that the peaceful endeavour of workers to wean those who are addicted to the drink or the opium habit from the curse will receive further and greater strength and encouragement than hitherto.

The Congress is of opinion that the policy of the Government of India in using the drink and drug habit of the people as a source of revenue is detrimental to the moral welfare of the people of India and would therefore welcome its abolition.

The Congress is further of opinion that the regulation by the Government of India of the opium traffic is detrimental not only to the moral welfare of India but of the whole world, and that the cultivation of opium in India, which is out of all proportion to medical and scientific requirements, should be restricted to such requirements.

## XII Office-Bearers

Resolved that the following Office-bearers be appointed —

### *General Secretaries.*

- (1) Mr. Shuaib Qureshi
- (2) Mr. Baijori Framji Bharucha
- (3) Mr. Jawaharlal Nehru

### *Treasurers.*

- (1) Seth Ravishanker Jagjivan Javeri
- (2) Seth Jammalal Bajaj

## XIV. Next Congress.

Resolved that the venue of the next session of the Congress be fixed by the All-India Congress Committee.\*

## XV Auditor.

Resolved that the All-India Congress Committee do appoint the auditor for 1925.

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\* The All-India Congress Committee subsequently met and decided that the next session of the Congress be held in Cawnpore.

# All-India Congress Committee.

Belgaum—28th Dec. 1924

Immediately after the session of the Congress the All-India Congress Committee met at Belgaum on the 28th Dec. and held nearly for four hours discussions on several important resolutions. Mahatma Gandhi presided and many members of the Committee attended. The first motion was by Mr. Jehangir Petit relating to the death of Lenin. Several members including Mr. A. Rangaswami Iyengar asked if Lenin was dead. Mr. Jehangir Petit said "Lenin died on the 21st January 1924 after the Cocanada session and that is why I am asking the Congress Committee at least to pass this resolution as the Congress session itself has concluded." Continuing Mr. Petit said that although he gave notice of this resolution he was prepared to further support the proposition which Mr. Atul Sen had tabled, namely "this Congress Committee expresses deep sense of sorrow at the death of Lenin, friend of the working classes, and sympathises with the Russian people in their great loss, and also authorises the President of the Congress (M. Gandhi) to convey this resolution to the President of the Russian Soviet Republic."

Mahatma Gandhi on hearing the last clause of the resolution cried "Oh, Oh" and asked "If the president is unwilling to convey the resolution?" Mr. Petit retorted "You are bound by our vote as we are bound by your rulings (Laughter)"

Mr. JEHangIR PETIT in moving the resolution said that although they might not agree with the methods of Lenin they must respect the ideals which impelled him to fight the Czarist Government for the amelioration of the working classes and the peasants. He said we were passing resolutions on charka because we wanted the economic freedom and salvation of India. Similarly Lenin was fighting for the emancipation of the working classes in Russia. Lenin had fought not only against Czarist Imperialism, but also the capitalism of Russia. "We may not agree with his methods to-day but we may agree with them some day, if not in the near future, probably at some distant date. But if we understand and are convinced that the man was absolutely impersonal and that there was nothing personal in the actions which he did towards securing the amelioration of working classes, then I ask you to accept the resolution."

Mr. Atul Sen seconded the resolution. Mr. Khare opposed the resolution and warned the house against committing the Congress to a proposition the ultimate effects of which it did not fully realise. Two days ago there was a resolution relating to the death of Mr. Montagu, a person who had done so much for India, and that was not brought forward for discussion. But now was brought forward a resolution over the death of one who was not directly concerned with India. Why not let charity begin nearer home instead of allowing it to travel as far as Russia?, asked Mr. Khare. From the point of view of the Indian National Congress this resolution was not very desirable. Mr. Sidwa

supported Mr. Khare and said If you are going to pass this resolution, then allow me to move a resolution over the death of Mr. Montagu.

M. GANDHI —If I had the power to bring myself to believe that I would be within your constitution in overruling this resolution, I would not take a second to do so. Do not for one moment run away with the idea that I prohibited you from moving the resolution about Mr. Montagu's death. I think I said what was running in my mind in that connection and what prevented me from even mentioning Montagu's name in my address. As to this resolution I think it would be going entirely out of our feet in passing it. The Russian people will not be particularly thankful to you for sending this resolution after all these months. It will be an All-India Congress Committee's resolution and not a Congress resolution. It is in my opinion undignified to pass this resolution.

The resolution was put to vote and lost, sixty-three voting against and fifty-four for it. Among those who voted for it were Messrs Vithalbai Patel M L A., Sardar Mangal Singh, Mr Siva Prasad Gupta and Moulvi Zafar Ali Khan. Those who voted against included the Ali Brothers, Pandit Motilal Nehru, Lala Lajpat Rai and Mr C Rajagopalchariar.

After the resolution over Lenin's death had been lost there was a good deal of discussion over the proposition that Congressmen should capture municipalities and local boards. This was the subject of a lively discussion in the Subjects Committee and further discussion was postponed till Mahatma Gandhi in consultation with all concerned had brought forward a motion which would satisfy all parties concerned, Swaiajists and No-Changeis. M Gandhi accordingly moved that in the opinion of the All-India Congress Committee, Congressmen, wherever Provincial Congress Committees deem desirable, should seek election to municipalities and local boards etc, provided no Congressmen should seek election independently of the Provincial Congress Committee concerned and that in no case should there be rival candidates.

Mr N C KELKAR expressed his dissatisfaction with this resolution and moved his own amendment which after having been seconded by Mr. Aney M L A was adopted. The amended resolution was that "in the opinion of this Committee it is desirable that Congressmen should offer themselves for election to local bodies wherever it is likely to further the programme of the Congress."

Mr. ATUL SEN then moved his resolution for a Political Sufferers Fund which should be ear-marked for helping families or bonafide dependants during the period the sufferers remain deprived of freedom and also for helping the sufferers by adequate funds, and that the fund be controlled by the All India Congress Committee on the recommendation of the Provincial Congress Committee Concerned.

Before Mr. Sen moved the resolution, Mahatma Gandhi requested him to withdraw it as there was no necessity for ear-making fund for this purpose when the Provincial Congress Committees which enjoyed full authority had every right and power to help sufferers.

Mr. Sen, however, refused to withdraw. Mr Mazumdar supported the resolution, which was put to vote and after a show of hands was declared carried, fifty-nine voting for and fifty-one against it. Mr.

Shankarlal Banker and Mr. N. C. Kelkar pressed for a recount which being done however resulted in seventy voting for and seventy-three voting against M. Gandhi declared the resolution lost.

On the motion of Mr. Shiva Prasad Gupta a resolution tendering sympathy to the Egyptians in their troubles and hoping that they would bear their sorrows bravely and rise superior to terrorism now set up in their land was passed

Mr. ZAFAR ALI (Punjab) then moved that in view of the combined protest of the Punjab Muslim Press against the deplorable desecration of the Shrine of Shah Hamdan at Kashmir by a section of Srinagar Hindus, a commission of enquiry be appointed to make full investigation and submit a report. This resolution evoked good deal of opposition from a large number of Hindus. Mr Zafar Ali Khan admitted that he had not visited Kashmir, but he confined himself to reports which he had read in Muslim press in the Punjab and which were unanimous on certain points. He did not want to prejudice the findings of the commission by any statements connected with the alleged incident.

Dr Moonje seconded the resolution. A Punjab Hindu asked whether it was right on the part of the Congress to enquire into an affair which had occurred in an Indian State.

M. Gandhi. Most certainly.

Several Hindu members expressed their intention of moving amendments. Thereupon M Gandhi took up some suggestions and re-framed the resolution in the following terms which were accepted. "In view of the allegations of the Punjab Muslim Press against desecration of the Shrine of Shah Hamdan, universally venerated saint of Kashmir, said to have been committed by a section of Srinagar Hindus, and similar allegations by Hindu Press in respect of Hindu shrines in Kashmir, the All-India Congress Committee instructs the Working Committee to enquire into such allegations and report to the All-India Congress Committee at an early date".

The last resolution moved was by Lala DUNI CHAND that as simultaneous existence of communal, political and semi-official organisations such as All-India Muslim League, Sikh League, Khilafat Conference, Hindu Sabha and their subordinate organisations had diverted the activities of the people of India into wrong channels and brought into existence forces antagonistic to the growth and development of a truly national feeling, the Congress calls upon the people of India not to recognise or support any such organisations in so far as their political aspects are concerned and devote all their energies towards strengthening the Congress. Lala Duni Chand said sectarian and communal organisations have created poisonous atmosphere and compelled even ardent Indian nationalists to express opinions like those delivered by Dr Kitchlew as president of the Khilafat Conference. Mr Mahomed Ali suggested the postponement of the discussion to the next meeting of the All-India Congress Committee when there could be better attendance and members would be more fresh. He considered the resolution defectively worded and the speech of Lala Duni Chand as being even more defectively delivered. But M. Gandhi took vote and the resolution was declared lost.

Before adjourning ~~the~~ the Committee decided that the next session of the Congress should meet at Cawnpore thereby turning down

the original proposal of M. Gandhi and others that the venue should be decided after ascertaining which province out of those who had sent in invitations had done best in the spinning and khaddar programme.

The following is the list of resolutions passed —

1. Resolved that the question of the appointment of an auditor for 1925 referred by the Congress to the A. I. C. C. be postponed to the next meeting of the Committee.

2. Resolved that the next Congress be held at Cawnpore.

3. Resolved that the Working Committee be nominated by Mahatma Gandhi, Deshbandhu C. R. Das and Pandit Motilal Nehru, the three signatories to the Calcutta Agreement

4. Resolved that the Working Committee do frame instructions for the successful working of the spinning franchise

5. Regarding the question of the restoration of the Buddha Gaya temple to the Buddhists, resolved that Babu Rajendra Prasad be requested to go into the matter in terms of the Working Committee Resolution, dated 29-1-23 and to present his report by the end of January

6. Resolved that in the opinion of the Committee it is desirable for Congressmen to offer themselves for election to the local bodies wherever it is likely to further the programme of the Congress

7. Resolved that the Congress tenders its respectful sympathy to the Egyptians in their troubles and hopes that they will bear their sorrows bravely and rise superior to the terrorism now set up in their land

8. Resolved that in view of the allegations of the Punjab Muslim press against the desecration of the shrine of Shah Hamdan, the universally venerated saint of Kashmere, and to have been committed by a section of the Srinagar Hindus, the A. I. C. C. instructs the Working Committee to enquire into the allegations and similar allegations by the Hindu press in respect of Hindu shrines in Kashmere, and report to the A. I. C. C. at an early date

9. Resolved that the resolution of Syt Duni Chand (Punjab) regarding communal, political and semi political organisations be postponed till the next meeting of the Committee.

The Committee was then adjourned *sine die*

*Note*—Immediately after adjournment of the Committee, Mahatma Gandhi, Deshbandhu Das and Pandit Motilal Nehru met to consider the formation of the Working Committee. The following Committee was formed in accordance with their decision —

*Ex officio* —

1	Mahatma Gandhi—President	
2	Syt Revashankar Jagjivan Javeri	} <i>Treasurers</i>
3	Syt Seth Jamnalal Bajaj.	
4	Syt Jawaharlal Nehru	} <i>Secretaries</i>
5	Syt Shuaib Qureshi	
6	Syt B. F. Bharucha	

*Elected* —

7	Deshbandhu Das
8	Pt Motilal Nehru
9	Shrimati Sarojini Naidu.
10	Syt N. C. Kelkar
11	Maulana Mahomed Ali.
12	Maulana Abul Kalam Azad.
13.	Sirdar Mangal Singh.
14.	Syt, M. S. Aney
15	Dr Varadarajulu Naidu.

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# Congress Work in 1924.

The following is the annual report of the working of the Congress organisations during 1924 which was submitted by the General Secretaries, Babu Rajendra Prasad, Dr. Saifuddeen Kitchlew and Pandit Jawaharlal Nehru to the Congress

The report first refers to the work of the All India Khaddar Board, which achieved success in proper organisation. But otherwise the report admits that most of the provinces have a poor record of constructive or any other work.

After the meeting of the All India Congress Committee in June, attended by M Gandhi shortly after his release, every effort was made to increase voluntary spinning and fairly satisfactory progress was made every month. Gujarat and Bengal have done specially well in this and Andhra and Tamil Nadu have also a very creditable record. The rate of progress is judged by the increasing number of spinners sending yarn every month. In August there were 2780, in September 6804, in October 7741 and in November 7903. In Northern India communal troubles resulting in frequent outbreaks of violence have dwarfed all other issues and prevented any substantial work from being done.

The report next refers to the Delhi Unity Conference to consider the communal problem, the Calcutta Pact which Mahatma Gandhi entered into with Messrs. Das and Nehru after the promulgation of the Bengal Ordinance, and the Bombay meeting of All-Party Leaders which considered the situation created by the policy of repression in Bengal. The report then says.—The All-India Congress Committee also decided to send a deputation to Malay and Ceylon to enquire into the condition of Indian labour there with a view if necessary to restrict or stop the emigration of Indian labour abroad. Mr C F Andrews was able to visit Malaya and he was presented a report, and in view of his detailed survey it may not be necessary now to send other investigators to Malaya.

The Malabar Disturbances Enquiry Committee appointed by the Working Committee in 1922 have presented their report. This consists of record of attempts made to start work and of the utter lack of success of all such attempts. It appears that people living in the area concerned were in a state of terrorism and were far too frightened of Government displeasure to venture out and give any kind of evidence.

## Reports From Province

There have been three meetings of the All-India Congress Committee and seven meetings of the Working Committee from the beginning of the year to the date of this report. Many of the provincial committees have not been working properly and some have not sent reports. Such reports as have come to the A I C C are usually meagre and unsatisfactory and often the figures given are incomplete as some districts have not given the necessary information. Andhra gives no figure for Congress membership or the Tilak Swaraj Fund collections. A sum of Rs 22,875 was however collected there for the Gandhi purse. Behar reports 11,795 members and Rs 9,326 collections. The Central Provinces (Hindustani) had 35,000 members and collected Rs 4,500, C P. (Marathi) reports 14,478 members and Rs 506. Bombay had 13,199 members and collected Rs 3,714. No special efforts were apparently made in Bombay to make collections. Delhi reports collections amounting to Rs 3,140 and gives no figures for membership. Gujrat had a membership of 19,498 and collected Rs 5,045 for the Tilak Swaraj Fund besides Rs 65,242 collected in Rangoon and earmarked for Gujrat. Collections were also made in Gujrat amounting to Rs 61,507 for the Gujarat Vidyapitha and 1,29,467 for the Gandhi purse. Karnatak, busy with preparations for coming Congress, could not do much for the constructive programme. They report 5,602 members and Rs. 2,272 collections apart from the Reception Committee's collections. Maharashtra had 9,447 members, no figure for the collections being given. The Punjab and the United Provinces do not give their number of members but say that Rs. 6,748 and Rs 2,303 respectively



## CONGRESS WORK IN 1924

were collected. Utkal reports 1,740 members and Rs. 598 collections. Assam reports practically no constructive work and the remaining provinces have not reported at all. It will be seen that Congress membership was low and the collections for the Tilak Swaraj Fund were meagre. In most places owing to communal friction or on account of heavy and unprecedented floods which devastated large areas both in the north and the south, no organised attempt was made to enroll members or to make collections. A sum of Rs. 1,25,000 was however, received from the Burma Provincial Congress Committee for the Swaraj Fund, a little over half of this sum being, as mentioned above, ear-marked for the Gujrat Provincial Congress Committee. Many of the outstandings of the All India Congress Committee were realised during the year. In the United Provinces Babu Shiva Prasad Gupta has made a munificent gift of rupees ten lakhs for national education. He has formed a trust to administer this fund, the income of which is for the present being given to the Kashi Vidyapatha.

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# The All-India Khadi Board

The following is the Report of the All-India Khadi Board issued under the signature of the Secretary, Mr. Sankerlal Banker. It gives a brief account of the work done by the Board in the year 1924 and the methods employed to carry out the objects for which the Board was constituted

"The All-India Khadi Board has now been working nearly 12 months, and the following is a brief account of the work done and the methods employed to carry out the objects for which the Board was constituted

"The first year has mainly been spent in pioneering work, in investigating and examining facilities which exist for Khadi work in different parts of the country, assisting provinces to take advantage of resources in specially favourable areas so as to work them fully, as well as in developing centres which remain comparatively unexplored. Though much ground has been traversed, it cannot yet be said that existing facilities have been well availed of even in favourable areas. A good deal of preliminary investigation has been done by way of exploring avenues for further development, and with the aid of experience gained during the year substantial results may be hoped for in the coming years

"During the course of the year the members of the Board visited various provinces where an appreciable amount of Khadi work was being done. Information gathered by them in person was later supplemented by reports from the members of the All-India Khadi Service and the Provincial Khadi Boards. Judging from the data obtained, the Board finds that the possibilities for Khadi are immense. In provinces like Tamil Nadu, Andhra, Behar, Punjab and Rajputana there are to be found areas containing thousands and thousands of charkas, where home-spinning is an established tradition. In the Punjab the number of working charkas is very roughly estimated at 20 lacs. In Behar the number of working charkas to-day is put at 50,000 by the Provincial Khadi Board. Our Inspector in Andhra after close investigation and study reports that round Tadpatri in the Ceded Districts, all within a radius of 20 miles, there are no less than 60,000 charkas, which if worked would serve to sustain the famine-stricken population of that area. It is estimated by responsible workers that in the Coimbatore District in Tamil Nadu there are at least 2 lacs of charkas in the village homes. In these and such other areas even to this day spinning is a live, sometimes flourishing tradition, and in the village homes Khadi is being produced and consumed by lacs of yards. Production there can be multiplied to any extent considering the abundance of natural facilities, and the industry therein, though now in an emasculated condition, can soon be placed on such a footing as would enable it successfully to withstand the inroads of foreign and mill-made cloth. But it must, however, be noted that the old agency cannot be relied on for all time and that it must speedily be renovated or substituted by a new patriotic agency which will understand the present situation and take steps to safeguard against dangers that may arise in the future. There is no doubt that we have an almost fabulous wealth in charkas, the facilities for work are extraordinary, even the required amount of capital will be forthcoming provided the organisation necessary is set up, what is therefore essential to secure

substantial and lasting results, is a body of trained workers with expert knowledge and business efficiency who will organise the industry on a sound basis. These workers will be needed by scores and hundreds even if known facilities are to be availed of in the fullest measure.

"It will not be difficult to ensure an effective boycott of foreign cloth within a reasonable period of time if the requisite organisation be forthcoming. It must be remembered that Khadi has to face and survive the competition of machine-made cloth turned out by a highly organised and centralised industry equipped with powerful finances and the best of scientific and technical advice. The invasion of foreign cloth into our homes has also worked large changes in our tastes, modes of dress etc. Further, there is the alien Government which is as much interested in the upkeep of the cloth trade from Great Britain as in its own existence. Khadi has to fight against all this. It has to be helped at every turn by a ceaseless, vigorous propaganda among the millions in the country. Its business points have to be studied thoroughly and production and sales assisted in all possible ways. This being so, the work of the Board will have largely to consist in organising both by general propaganda and other business, for the successful establishment of the Khadi industry.

As for propaganda, the Board has necessarily to rely on the general Congress machinery. We have to secure preferential treatment for Khadi from the masses of the people by cultivating amongst them strong and lasting sentiment in its favour. The atmosphere for the spread of the charka has to be created and preserved in the face of the temptation which the seeming cheapness and fineness of machine-made fabrics offer to the mass of consumers. Our propaganda to be effective has to be helpful in every process from the storing of cotton in the village homes down to the wearing of Khadi. The present depression in our politics, though temporary, has yet meant a set-back to Khadi. As a result, the sales and production of Khadi have suffered in their growth. It is hoped that the proposed franchise if accepted by the Congress would serve to stave off the present depression and accelerate the progress of the Khadi movement. Anyway the fact has to be borne in mind that a slackening in the ameliorative propaganda among the masses would not help in the creation and preservation of that atmosphere which is so essential to the healthy growth of Khadi.

Alongside of propaganda, the organisation for Khadi will have to be strengthened in the country. In fact, ultimately it is only the organisation that will count. Every province will have to set up its own separate agency to carry on Khadi work. During this year all the provinces, with the only exceptions of Berar and Burma, have set up influential Khadi Boards with a view to carry on intensive work within their own respective jurisdictions. An All-India Khadi Service has also been set up in order to assist investigation and in strengthening work in the Provinces. The Provinces will have similarly to maintain their own Khadi Services in order to be able to function efficiently. Some provinces like Tamil Nadu have already started the Service and entertained in it a fairly appreciable number of whole-time workers. Here again the success of the Services will depend upon the quality of workers who would be available to man them, for results depend upon the concentrated efforts of groups of whole-time and devoted men whose presence is a real and crying necessity. Private enterprise is also engaging a good many workers. The Gandhi Kutir in Behar, for instance, is an organisation with 40 workers, while Dr.

Roy's organisation in Bengal is known to maintain even a large number of workers.

The policy the Board has adopted all this time, as will be seen from the resolutions published in the Appendix, has been as helpful as possible to the provinces to set up and strengthen Khadi organisations in them and to give them all facilities and assistance in order to develop local resources. Naturally enough facilities vary considerably from province to province. There are provinces where the industry is at a certain level at which it can be made self-supporting, there are others still where the production of indigenous Khadi is found not possible and where the search for "fields and pastures new" is yet being carried on. It has been the endeavour of this Board to push up production in provinces where there is a plntitude of natural facilities so as to enable them to help with their surplus product neighbouring provinces which are not yet in a position to start Khadi production of their own on any considerable scale. Every province has been directed to exhaust its own markets for sale. Every province has been directed to exhaust its own considerable sale of Khadi produced by it, before seeking other markets for export. In order that the public may obtain genuine Khadi at proper and moderate prices, Provincial Khadi Boards have made and also to hawk Khadi. If the work of the Provincial Boards is to be conducted on a proper scale the bulk of the capital will naturally have to be raised locally. The All-India Board can only supplement that capital as it is now doing in various ways by making capital available to the provinces without interest, either in the shape of general loans on mortgage of goods produced or cotton stocked for them, and also by contributions to encourage sales in the shape of bounties and hawking commissions. Efforts have also been made by the Board to afford relief to provinces which have surplus stocks to dispose.

Expert technical advice and facilities for training workers, which are so essential to this movement, have been extended to the provinces through the Technical Department and the Training Institute at Sabarmati. The work in the Technical Department during the year has been of five kinds (1) Trial of different sorts of charkas, carding bows and other implements from the provinces and of attempted mechanical wheels (2) Research and improvements in implements, and manufacture of good implements to serve as models (3) Training of students in ginning, carding, spinning weaving and equipping implements, (4). Examination of cloth for its genuineness, also of yarn of different provinces. (5) Work in connection with the spinning resolution.

#### Production and Sales

It is necessary to say a word about production and sale. It is difficult to give the amount of manufacture of Khadi since the beginning of the movement in 1921. But it is possible to give the lowest approximate figures for 1924.

Figures are not available for some provinces, while even in cases where they have been given they are incomplete. These figures for the most part cover production and sale under direct supervision of the Board. But it is within the knowledge of the Board that many private agencies are manufacturing pure Khadi for profit. Their enterprise is not a little due to the fact that Congress propaganda has made the

[After this comes page 447 and then pages 446 and 448. There is a mistake in the arrangement of the following two pages]

as high as 389, a fact which reveals the vast potentiality of the charka. Even the most fastidious amongst us cannot now deny to the charka the power to yield the finest counts. The yarn of higher counts is steadily increasing and the quality of the yarn generally shows great improvement. Arrangements to get the yarn woven are proceeding and already the first pieces of Congress Khadi have been produced.

The experience gathered in working out this resolution ought materially to assist in pushing on the spinning franchise if adopted at the Congress this year. The first lessons in organising spinning will, it is hoped, bear fruit when the franchise is on.

Several indirect results beneficial to the Khadi movement have flown out of this experiment. It has brought home the ideal of individual self-sufficiency in a manner that ordinary propaganda would not have done. It has also made it possible to introduce a general improvement in the methods of spinning, and what is more important is that it has afforded opportunities to train several propagandists as efficient Khadi workers.

#### FUTURE PROGRAMME

A word may be said regarding work for the future. The following are some of the lines which need to be pursued.

(I) A more thorough investigation of the resources in the country. The obtaining of precise data with regard to the total number of charkas and looms in the country, something amounting in effect to a census operation, would be of invaluable assistance in getting at the exact position of the Khadi industry. Already provincial boards have been advised to collect the necessary statistics.

(II) Study of yarn and cloth produced for the market.

This will have to be undertaken with a view to give advice to the consuming public regarding prices, texture of cloth, and such other details. This would mean comparison of production in the various provinces so that by a careful study provinces which lag behind can be helped to the mark.

(III) Efforts to standardise production.

Standard cloth of ascertained size and texture if made available to the public will help considerably in increasing sales. The marketing of Khadi will become much easier than it is to-day.

(IV) Opening of more sale depots and Bhandars.

With a view to exploring all markets for the sale of Khadi, this will have to be undertaken. In this connection a large scale propaganda will also have to be resorted to. Hawking will have to be carried in a more extensive scale and it is also to be hoped that the present bounty scheme will be taken advantage of by dealers in Khadi.

(V) Propaganda for cotton storing.

This is most essential and will have to be begun by the provinces while the cotton season is on. This year an appeal was issued in February by the All-India Board to the people asking them to store cotton, but it hardly reached the fringes of the cotton areas in the country. A thorough propaganda is necessary to bring home this all-important fact that each household should store its own cotton in time. Arrangements to collect cotton may also be made. In the province of Maharastra there were one or two sporadic attempts made to collect cotton gifts and they were fairly successful. If this were attempted systematically in all provinces a handsome quantity may be gathered which would not only be available as so much starting capital, but would

sale of Khadi possible in centres which had altogether given up its use. There is also the fact that large numbers of homes are turning out their own Khadi. It is calculated on a rough but reasonable estimate that nearly 2 crores worth of hand-spun yarn is being produced in the country. The experience of the Board shows that it is possible without any great outlay of capital to increase this production and also to manufacture Khadi fine enough to suit a variety of tastes.

### Model Centres

Model centres are being worked in some of the provinces. It is with a view to accustom people to the idea of self-sufficiency in the matter of Khadi that these centres are being worked. Kanoor in Tamil Nadu, Rameshwara and Bardoli in Gujerat, Madhabani in Behar and Sitanagram in the Andhradesh may be mentioned in this connection. About the last mentioned centre, the following information sent by our Inspector in Andhra will be read with interest. Sitanagram and 10 hamlets round it form this model area, worked by Dr Subramaniam and his friends. Cotton is grown in this area, but what was before 1921 being wholly exported is now stored in part in the village homes in order to meet their clothing needs. The Khadi wearing population in Sitanagram is now as high as 75 p.c. There are more than 1500 charkhas in these ten villages and they can be made to work for surplus production besides meeting the needs of the home. Of these about 450 are now so worked to supply yarn to the Khadi Nilayam in Sitanagram. These villages have also a number of national schools where spinning is one of the primary things taught. The students of these institutions are sending to the A. I. C. C. more than 100,000 yards of yarn every month. The Government school at Sitanagram has had to close for want of a sufficient number of students. There are also Panchayat courts one of which recently disposed of a big civil suit where property worth more than one lakh was involved.

### Voluntary Spinning

The Ahmedabad resolution of the A. I. C. C. which made it obligatory on every member of the Congress executives to spin and render his monthly contribution of 2000 yards of yarn has been worked in all the provinces with varying degree of success. The spread of voluntary spinning, which is a first step towards the universalization of the charkha, itself depended on the abilities of the Provincial organisations to supply charkhas, spinning add carding accessories, even cotton in some cases, and not the least important, workers—themselves expert spinners and carders—to teach and instruct those who were eager to help. The Provinces were instructed early to open depots where supplies of spinning and carding implements clubs in towns and villages. A sum of Rs. 10,000 with power to the Secretary to utilize it was sanctioned by the Board to help the provinces in this matter. Some provinces which had asked for help in order to open such stores and generally to promote and foster voluntary spinning have been offered facilities.

Month to month statements showing progress in spinning under the terms of the Ahmedabad Resolution have been published in the press. In the first four months there has been a rapid increase in the number of spinners. The total for October stands well over 7100. Non-members have enthusiastically responded to the call of the Congress. The yarn received so far amounts in all to 360 lbs. Andhra and Gujerat have the largest number of contributors. The count reached has been

also help in the distribution of free cotton to poor spinners desiring to participate in voluntary spinning.

The brief "resume" of Khadi activities for the year given above will show that we are yet in the first stages of the march. There are no doubt ample opportunities for work which if availed of in the coming year will lead us faster and nearer to the goal. But the toilers are few though the harvest is plenty. It is hoped that more workers will be forthcoming to devote their whole time to Khadi work. The proposal to erect spinning into the franchise for the Congress carries with it a tremendous responsibility and its fulfilment will depend in a large measure on the response from the workers. There are already workers who have dedicated themselves to serve the cause but their number must grow rapidly if we are to shoulder effectively increasing responsibilities for the following year.

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# Revised Constitution of The Indian National Congress

As Amended by the Belgaum Congress 1924

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## Article I—Object

The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means

## Article II—Sessions of the Congress

(a) The Indian National Congress shall ordinarily meet once every year during the last week of December at such place as may have been decided upon at its previous session or such other place as may have been determined by the All-India Congress Committee hereinafter referred to.

(b) An extraordinary session of the Congress shall be summoned by the All-India Congress Committee on the requisition of a majority of the Provincial Congress Committees or of its own motion, provided that in the latter case due notice has been given and the proposal is supported by two thirds of the members present. The All-India Congress Committee shall determine the place where such session is to be held, and the Articles of the constitution shall apply with such modifications as the All-India Congress Committee may consider necessary in respect of each such session

## Article III—Component parts of the Congress.

The Indian National Congress organisation shall consist of the following —

- (a) The Indian National Congress organisation
- (b) The All-India Congress Committee
- (c) Provincial Congress Committees
- (d) District Congress Committees
- (e) Sub-Divisional, Taluqa or Tahsil, Firkha or other local Congress Committees
- (f) Such other committees outside India as may from time to time be recognised by the Congress in this behalf
- (g) The Reception Committee of the Congress

Note Provincial, District, Taluqa, Tahsil or other conferences may be organised by the above committees for educative and propaganda purposes.

## Article IV.—Congress Membership.

No person shall be eligible to be a member of any of the organisations referred to in the foregoing Article, unless he or she has attained the age of 18 and expresses in writing his or her acceptance of the object and the methods as laid down in article I of this constitution and of the rules of the Congress



## Article V.—Provincial Congress Committees.

The following shall be the provinces with headquarters mentioned against them, but in every case the respective Provincial Congress Committee shall have the power to alter the headquarters from time to time.

<i>Province</i>		<i>Headquarters</i>
(1) Ajmer, Merwara and Rajputana	(Hindustani)	Ajmer
(2) Andhra	(Telugu)	Bezwada
(3) Aseam	(Assamese)	Gauhati
(4) Behar	(Hindustani)	Patna
(5) Bengal and Surma Valley	(Bengali)	Calcutta
(6) Berar	(Marathi)	Amraoti
(7) Burma	(Burmese)	Rangoon
(8) Central Provinces	(Hindustani)	Jubbulpore
(9) Central Provinces	(Marathi)	Nagpur
(10) City of Bombay	(Marathi and Gujarati)	Bombay
(11) Delhi	(Hindustani)	Delhi
(12) Gujarat	(Gujarati)	Ahmedabad
(13) Karnatak	(Cannada)	Gadag
(14) Kerala	(Malayalam)	Calicut
(15) Maharashtra	(Marathi)	Poona
(16) Punjab and N W Frontier Province	(Punjabi and Hindustani)	Lahore
(17) Sind	(Sindhi)	Hyderabad
(18) Tamil Nadu	(Tamil)	Trichinopoly
(19) United Provinces	(Hindustani)	Allahabad
(20) Utkal	(Oriya)	Cuttack

## Indian States.

Provided that the All-India Congress Committee may from time to time assign particular Indian States to particular provinces, and a Provincial Congress Committee may in its turn allot particular Indian States assigned to it by the All-India Congress Committee to particular districts within its jurisdiction.

## Article VI.—Provincial Organisation.

(a) There shall be a Provincial Congress Committee in and for each of the provinces named in the foregoing Article.

(b) Each Provincial Congress Committee shall organise District and other committees referred to in Article III and shall have the power to frame rules laying down conditions of membership and for the conduct of business not inconsistent with this constitution or any rules made by the All-India Congress Committee.

(c) Each Provincial Congress Committee shall consist of representatives elected annually by the members of the Congress organisations in the province in accordance with the rules made by the Provincial Congress Committee.

(d) Each Provincial Congress Committee shall submit an annual report of the Congress work in that province to the All-India Congress Committee before the 30th November.

## Article VII.—

(i) Every person not disqualified under Article IV shall be entitled to become a member of any primary organisation controlled by the Provincial Congress Committee, provided that no one shall be a member

of any Congress committee or organisation who does not wear handspun and hand-woven khaddar at political and Congress functions or while engaged in Congress business, and does not make a contribution of 24000 yards of evenly spun yarn per year of his or her own spinning or in the case of illness, unwillingness, or any such cause, the same quantity of yarn spun by any other person

Provided also that no person shall be a member of two parallel Congress organisations at one and the same time

(ii) The year of the membership shall be reckoned from the 1st January to the 31st December. The said subscription shall be payable in advance and may be paid in instalments of 2000 yards per month payable in advance. Members joining in the middle of the year shall contribute the full quantity due from the beginning of the year

**TRANSITORY PROVISION**—During 1925 the subscription shall be 20000 yards only and shall be payable on or before 1st March or in instalments as aforesaid

(iii) No person shall be entitled to vote at the election of representatives or delegates or any committee or sub-committee of any Congress organisation whatsoever, or to be elected as such, or to take part in any meetings of the Congress, or any Congress organisation or any committee or sub-committee thereof, if he has not contributed the yarn subscription or the instalments due

Any member who has made default in the payment of the yarn subscription may have his or her rights restored by paying the subscription in respect of which the default has occurred and the instalment for the month then current

(iv) Every Provincial Congress Committee shall send to the general secretary, All India Congress Committee, from month to month returns of membership and of the yarn received by it in virtue of this Article. The Provincial Congress Committee shall contribute 10 per cent of the yarn subscription or their value to the All India Congress Committee

#### Article VIII—Electorates and Delegates.

Each Provincial Congress Committee shall be responsible for the election of delegates to the Congress

No one shall be qualified for election who is not a member of any Congress organisation

The number of delegates shall be not more than one for every fifty thousand, or its fraction, of the inhabitants of the province of its jurisdiction, including the Indian States therein, in accordance with the census of 1921, provided however, that the inclusion of Indian States in the electorate shall not be taken to include any interference by the Congress with the internal affairs of such States

The members of the All-India Congress Committee shall be ex-officio delegates to the Congress, the Provincial Congress Committees deducting the number of the elected and, if any, the ex-officio members of the All-India Congress Committee in their respective provinces from the number of delegates they are entitled to return

Each Provincial Congress Committee shall frame rules for the election of delegates, due regard being had to the return of women delegates and the representation of minorities, special interests or classes needing special protection

The rules shall provide for the organisation of electorates and shall prescribe the procedure to be adopted for securing the proportional representation, by a single transferable vote or by any other method, of every variety of political opinion. Notice of all changes in the rules

framed by the Provincial Congress Committee shall forthwith be sent to the general Secretaries of the Congress

Each Provincial Congress Committee shall send to the Reception Committee of the ensuing session of the Congress, an alphabetical list of the delegates so elected, containing the full name, occupation, age, sex, religion and address of each of them to reach the Committee not later than 10 days before the date fixed for the holding of the session. No changes shall be made in the list within ten days of the Congress. In case, however, of interim vacancies, the Provincial Congress Committee shall fill them in accordance with the rules made in that behalf, such rules having been communicated previously to the All-India Congress Committee

#### Article IX.—Provincial Subscriptions.

Each Provincial Congress Committee shall pay annually such subscription to the All India Congress Committee as may be fixed by the latter from time to time

#### Article X.—Delegation Certificate.

Each committee referred to in Article VIII shall issue certificates to the delegates duly elected in accordance with the form hereto attached, marked A, and signed by a secretary of the committee.

#### Article XI —Delegate's Fee.

Every delegate on presenting such a certificate and paying fee of one rupee at the Congress office shall receive a ticket entitling him to the Congress.

#### Article XII —Voting at Congress.

Delegates shall alone have the power of voting at the Congress sittings or otherwise taking part in its deliberations.

#### Article XIII —Reception Committee.

The Reception Committee shall be formed by the Provincial Congress Committee at least six months before the meeting of the annual session and may include persons who are not members of the Provincial Congress Committee. The members of the Reception Committee shall pay not less than Rs 25 each

#### Article XIV.

The Reception Committee shall elect its chairman and other office-bearers from amongst its own members

#### Article XV.

It shall be the duty of the Reception Committee to collect funds for the expenses of the Congress session, to elect the president of the Congress in the manner set forth in the following Article, to make all necessary arrangements for the reception and accommodation of delegates and guests and, as far as practicable, of visitors, and for the printing and publication of the report of the proceedings, and to submit statements of receipts and expenditure to the Provincial Congress Committee within four months of the session of the Congress.

#### Article XVI.—Election of the President.

The several Provincial Congress Committees shall, as far as possible, by the end of June, suggest to the Reception Committee the names of persons who are in their opinion eligible for the presidency of the Congress, and the Reception Committee shall, as far as possible, in

the first week of July, submit to all the Provincial Committees the names as suggested for their final recommendations, provided that such final recommendation will be of any one but not more of such names, and the Reception Committee shall, as far as possible, meet in the month of August to consider such recommendations. If the person recommended by a majority of the Provincial Congress Committees is adopted by a majority of the members of the Reception Committee present at a special meeting called for the purpose, that person shall be the president of the next Congress. If, however, the Reception Committee is unable to accept the president recommended by the Provincial Congress Committees, or in case of emergency by resignation, death or otherwise, of the president elected in this manner, the matter shall forthwith be referred by it to the All India Congress Committee whose decision shall be arrived at, as far as possible, before the end of September. In either case, the election shall be final, provided that in no case the person so elected as president belong to the province in which the Congress is to be held.

The President of a Special or Extraordinary session shall be elected by the All India Congress Committee subject to the same proviso.

#### Article XVII

(A) The Reception Committee shall, through the Provincial Congress Committee of the province, remit to the All India Congress Committee, not later than two weeks after the termination of the Congress session, ordinary or extraordinary, half the delegation fees.

(B) If the Reception Committee has a balance after defraying all the expenses of the Session, it shall hand over the same to the Provincial Congress Committee in the province in which the session was held towards the Provincial Congress fund of that province.

#### Article XVIII — Audit

(A) The receipts and expenditure of the Reception Committee shall be audited by an auditor or auditors appointed by the Provincial Congress Committee concerned, and the statement of accounts together with the auditor's report shall be sent by the Provincial Congress Committee not later than six months from the termination of the Congress to the All India Congress Committee.

(B) The accounts of the All India Congress Committee shall be audited every year by an auditor appointed at the annual session. It shall be competent to this auditor to call for and inspect the accounts of the Provincial Congress Committees.

(C) The All India Congress Committee shall take steps to ensure that the accounts of the Provincial Congress Committees are properly audited.

#### Article XIX — All-India Congress Committee.

The All India Congress Committee shall consist of 350 members, exclusive of ex-officio members.

The ex-officio members shall be the elected President, past Presidents of the Congress, if they sign Article I of this constitution and are members of any Congress organisation, the general Secretaries and the Treasurers of the Congress.

Each Provincial Congress Committee shall elect the allotted number of members of the All India Congress Committee from among the members of the Congress Committees within its jurisdiction.

The allotment shall be, as far as possible, on the basis of population according to the linguistic distribution of provinces, as given in Appendix B.

The method of election shall be the same as already prescribed for the election of delegates

Elections to the All India Congress Committee shall ordinarily take place in the month of November.

Casual vacancies in the All India Congress Committee caused by resignation, death, absence from India, or otherwise, shall be filled by the Provincial Congress Committee.

The All India Congress Committee shall meet as often as may be necessary for the discharge of its obligations, and every time upon requisition by 30 members thereof who shall state in their requisition the definite purpose for which they desire a meeting of the All India Congress Committee. When once such a meeting is requisitioned and convened, additional subjects may be brought up for consideration, provided due notice has been given to the members of the same

The quorum for the All-India Congress Committee shall be fifty

The All India Congress Committee shall hold office till the election of the new All-India Congress Committee

#### Article XX.—

The secretaries of the respective Provincial Congress Committees shall issue certificates of membership of the All India Congress Committee to the persons so elected.

#### Article XXI.—Function of A I C C.

The All-India Congress Committee shall be the committee of the Congress to carry out the programme of work laid down by the Congress from year to year and deal with all new matters that may arise during the year and may not be provided for by the Congress itself. For this purpose the All-India Congress Committee shall have the power to frame its own rules not inconsistent with this constitution.

#### Article XXII.—

The President of the Congress shall be the Chairman of the All India Congress Committee for the year following.

#### Article XXIII.—General Secretaries and Treasurers

The Indian National Congress shall have three general secretaries and two treasurers, who shall be annually elected by the Congress

The treasurers shall be in charge of the funds of the Congress and shall keep proper accounts of them. The general secretaries shall be in charge of the office of the All India Congress Committee and shall be responsible for the publication of the report of the proceedings of the preceding session of the Congress and of any special session held in the course of the year, in co-operation with the Reception Committee. Such report shall be published as soon as possible and not later than four months after the session, and shall be offered for sale

The general secretaries shall prepare the report of the work of the All India Congress Committee during the year and submit it, with a full account of the funds which may come into their hands, to the All India Congress Committee at a meeting to be held at the place and about the time of the session of the Congress for the year, and copies of such account and report shall then be presented to the Congress and sent to the Congress Committees and published along with the next Congress report.

## Article XXIV —Working Committee.

The All India Congress Committee shall, at its first meeting after the annual session of the Congress, elect nine members who shall, with the president, general secretaries and treasurers, be the Working Committee of the Congress and the executive authority responsible to the All India Congress Committee in all matters

All proceedings of the Working Committee shall be placed before the next meeting of the All India Congress Committee

## Article XXV —Subjects Committee

The members of the All India Congress Committee shall constitute the Subjects Committee for the ordinary or extraordinary session following.

## Article XXVI —

The Subjects Committee shall meet at least two days before the meeting of the Congress in open session. At this meeting the president-elect shall preside, and the outgoing secretaries shall submit the draft programme of the work for the ensuing session of the Congress, including resolutions recommended by the different Provincial Congress Committees for adoption

## Article XXVII.—

The Subjects Committee shall proceed to discuss the said programme and shall frame resolutions to be submitted to the open session

## Article XXVIII.—

The Subjects Committee shall also meet from time to time, as the occasion may require, during the pendency of the Congress session

## Article XXIX —Contentious subjects and interests of minorities.

No subject shall be passed for discussion by the Subjects Committee or allowed to be discussed at any Congress by the president thereof, to the introduction of which the Hindu or Mohammedan delegates as a body object by a majority of three fourths of their number, and if, after the discussion of any subject which had been admitted for discussion, it shall appear that the Hindu or Mohammedan delegates as a body are by a majority of three fourths of their number opposed to the resolution which it is proposed to pass thereon, such resolution shall be dropped

## Article XXX —Order of Business.

At each sitting of the Congress, the order in which business shall be transacted shall be as follows —

(a) The resolution recommended for adoption by the Subjects Committee

(b) Any substantive motion and included in (a) but which does not fall under Article XXIX of the constitution and which 25 delegates request the president in writing, before the commencement of the day's sitting, to be allowed to place before the Congress, provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present

## Article XXXI—Rule-making power.

The All-India Congress Committee shall have the power to frame rules in respect of all matters not covered by the constitution and not inconsistent with its Articles.

## Article XXXII.—Election disputes panel.

The All-India Congress Committee shall, at its first meeting every year, nominate a panel of twelve members to enquire into and finally decide all election disputes coming before it. The parties to the dispute shall nominate one each out of this panel to represent the respective disputants, and the president shall choose the third.

## Article XXXIII.—Language.

The proceedings of the Congress shall be conducted, as far as possible, in Hindustani. English or the language of the province may also be used.

APPENDIX A  
(VIDE ART X OF THE CONSTITUTION)

I hereby certify that

Full name	.....	Congress Committee and
Occupation	.....	has been duly elected by
Age	.....	a delegate to the Indian National Congress to be held at...
Sex	.....	.....
Religion	.....	.....
Address	.....	.....
is a member of the	.....	.....
has been duly elected by	.....	.....
a delegate to the Indian National Congress to be held at...	.....	.....
..... in the month of	.....	.....

SECRETARY,

..... Congress Committee.

APPENDIX B

Number of members of the All-India Congress Committee allotted to the different provinces

<i>Province.</i>	<i>No. of members.</i>
1. Ajmer	7
2. Andhra	24
3. Assam	5
4. Behar	38
5. Bengal and Surma Valley	48
6. Berar	7
7. Burma	12
8. Central Provinces (Hindustani)	13
9. Central Provinces (Marathi)	7
10. City of Bombay	7
11. Delhi	8
12. Gujarat	12
13. Karnatak	15
14. Kerala	8
15. Maharaashtra	16
16. Punjab and N W Frontier Province	37
17. Sind	9
18. Tamil Nadu	25
19. United Provinces	45
20. Utkal	12

# The National Liberal Federation.

Lucknow, 26 December 1924

## Presidential Address.

The Seventh Session of the National Liberal Federation met at Lucknow on Dec 26th under the presidency of Dr Paranjpye, the ex-Minister of Bombay. About 300 delegates, mainly of the U P and Bombay, and a large gathering of visitors including several Swarajists, landlords and others were present. On the motion of Sir Tej Bahadur Sapru seconded by Sir P C Mitter Dr Paranjpye was elected President. In the course of his address Dr Paranjpye said —

### No-Changers, Swarajists & Liberals

“There are at present various parties in India whose outlooks on political questions are widely different. The three purely political parties are the No-Changers, the Swarajists and the Liberals. Other parties are more or less on a communal basis though they are also all keen on political advance under certain conditions. These are the Moslem leaguers, the Non Brahmins, the Sikhs, the Depressed classes, Anglo-Indians etc. Taking first the three purely political parties I do not see that they can work harmoniously on the same platform. Broadly the No-Changers are a party that looks backward, considers association with the present system of Government a sin and a trafficking with Satan, and would tolerate modern civilisation only if it cannot help it. It is content to be under the command of a single dictator and is willing to follow all his notions reasonable or otherwise. This party is reconciled only outwardly with the Swarajist party to humour their titular leader who they consider has disgracefully capitulated without a fight to their opponents. The Swarajist Party is an off-shoot of the erstwhile extremist party though the off-shoot is threatening to over-grow the parent tree. The main ideal of this party is to extirpate the present system irrespective of what is put in its place. It considers the present system so bad that a worse cannot be imagined. It will make use of any means however dangerous or shady to achieve its end. To me it appears to have hardly any realisation of practical considerations. This party has for the moment obtained the upper hand in the Congress organisation and is now the political mouth-piece of the Congress. The Liberal Party is the lineal successor of the old Congress Party and is continuing its traditions though the name has been usurped by others. It follows strictly constitutional methods and its ideal is responsible democratic Government on Dominion lines for India. It will not raise the question of the British connection, considering it on the whole a favourable circumstance in the present evolution of India. It realises that the present evils in India are due only partially to the present system of Government and that for the progress of the country a great deal of strenuous labour is required among our people irrespective of the Government. It vividly



perceives the dangers of anarchy and can conceive of many worse things than the present system. It will not give the slightest encouragement to movements of an anti-national nature simply because they serve to make trouble for Government. It does not consider popular applause as the only thing to live and strive for, but will be content to remain unpopular if it considers itself right. While wanting to preserve what is best in our civilisation it wishes to assimilate what is best in the western civilisation. It knows that the task of raising India to its full height is difficult and not to be achieved by spells or charms. It is impossible for the Liberal Party, with its ideals as I have tried to sketch them, to work in cordial co-operation with either of the other parties. It is best that they should have their own separate platforms often advocating, I hope, the same measures in the interests of the country. If all the three parties agree on any point their agreement will carry all the greater weight as each looks at the problem from different angles of vision than they would if one or other have perforce to remain always silent in order to create a semblance of unity.

The goal of the Liberals being complete responsible Government on Dominion lines, that party agreed to work the Government of India Act to the best of its ability though it fully realised from the start its limitations and inconveniences, its dangers and its deficiencies. It has always advocated a further advance in the direction of its goal. But it felt that the Act, defective and inadequate as it was, still was a move in the right direction and its opinion on it after an experience of four years is therefore worthy of every consideration. The Act was ushered in under very unfavourable auspices. The Punjab tragedy, the Treaty of Sevres, the financial stringency caused by the war, perhaps even a feeling on the part of some of our rulers that a policy of reconciling India was not so absolutely essential to the Empire at the close of a successful war as it was when military position was most critical, short-sightedness and want of far-seeing statesmanship in some of those who had to work it, all these made the position very difficult, if not impossible. The Legislative councils were not properly representatives of such electorates as there exist, for large numbers ostentatiously abstained from the elections from a fancied sense of patriotism. Thus even though within the Councils themselves there was generally a spirit of reasonableness, still the members and Ministers had always a somewhat uneasy feeling. The financial stringency and the abnormal rise of prices which required a drastic policy of retrenchment coupled with a revision of the pay of all establishments made the position of Ministers who had the work of the nation-building departments very unhappy. It is not for me to say anything about the work they did. I may refer to the address from this Chair delivered at Poona and Nagpur in the last two years, but all I can say is that they tried to do their best. If the achievements were not greater, they deserve the sympathy rather than the blame of the country. In any case I make bold to say that any doubts that may have existed as to whether Indian Ministers can administer Government in collaboration with elected Councils have been laid once for all and that it is therefore needless to continue this system in order to test this possibility.

## The Reforms Enquiry Committee.

The Reforms Enquiry Committee which was appointed by the Govt of India to report on the Govt of India Act and the defects and difficulties discovered in its working and to suggest such remedies as can be found by a change in the rules under the Act, or by minor modifications of the Act itself without interfering with its scope and purpose, has just reported and it is not for me to divulge its conclusions until the report is officially published. But to those who have closely followed the proceedings of the Committee and the evidence, especially of the ex-Ministers given before it, it must be clear that the demand made by Dr Sri Tej Bahadur Sapru last year at Poona that the Government of India Act requires radical alteration and not merely minor amendments has received additional force. From the Indian point of view, if this is made absolutely clear it makes the way easy for further steps. The Act itself laid down the procedure. At the end of the ten years after the passing of the Act a Royal Commission must be appointed. The Act however does not say that it shall not be appointed before the expiry of this period. In fact the late Mr Montagu gave clear indication of his views on this point. The Liberal Federation last year demanded that this Commission should be appointed immediately without waiting till 1929. It can make the same demand this year with redoubled force in view of this Committee's deliberations.

A motion for the appointment of a Royal Commission was made in the beginning of this year in the Legislative Assembly and it is just possible that if this proposal, already recognised in the Act, had received the unanimous support of all non-officials, the Labour Government might have yielded to this demand. But the majority of the Assembly thought it right to ask for a Round Table Conference in India to determine the kind of constitution wanted by Indians for India and to formulate their other demands. With due deference to the majority of the Assembly, it may be permissible to hold the view that the amendment, while more theatrical, would have been less effective and slower in operation than a Royal Commission. If Government had conceded this demand for a Round Table Conference it was not at all unlikely that its convocation would have been preceded by a furious wrangling over its constitution and that, taught by the recent catching propaganda of non-co-operation, some sections of public opinion which considered themselves not sufficiently well represented in its personnel might have refused to work on it. We well know how personalities have a habit of assuming enormous proportions in India and some *sordid* leaders fancying themselves neglected might have agitated against it. But the greatest difficulty would have been the immediate raising of the various communal claims and dissensions which may have wrecked the whole Conference. Finally, according to the Government of India Act, a Royal Commission has in any case to be appointed before it is reconsidered and hence it would have had to come in any case after the report of this Round Table Conference and the same difficulties might have had to be surmounted once more. If the original proposition had been carried, it is possible that the Labour Government

might have had the opportunity of influencing its personnel and we might have had some hope of soon getting some tangible advance from its recommendations. The high tone of the majority let slip a suitable opportunity of pressing our claims in a favourable atmosphere. If report is to be believed, a similar opportunity of a substantial political advance was lost three years ago by some of our extremist leaders pulling too hard on their side in the course of some informal negotiations when Government was keen on a settlement. It is only on rare occasions that such opportunities occur and it requires a sagacious statesman to lead the country on such occasions. A Round Table Conference can only be claimed when the other party is *in extremis* and no Government worth the name will consent to yield to such a demand when trumpeted forth as it has been except on the occasion of a dire need, though for informal conversations and an agreed and peaceful settlement many more opportunities will continually occur. But for creating and properly using such opportunities we require methods and personalities different from those now popular with the Swaraj party.

#### India's Demands

The demands that a united India should make before a Royal Commission would be (1) Complete Provincial Autonomy under Ministers responsible to the Legislative Councils with a Governor acting purely as a constitutional Governor in provincial matters, (2) Responsibility in the Government of India in all departments except Defence, Foreign and Political, with a power of vote to the Viceroy; (3) As regards the department of Defence, the Governor-General would administer it, a certain fixed sum being ear-marked for it in the constitution but to any additional expenditure the Legislature must give its assent, (4) The army should be gradually placed on an Indian footing according to a definite time-table, the progress of Indianisation being continually accelerated so that at the end of a definite period, say 30 years, no new European officer may be required to be recruited for the Indian Army and the strength of the British Army in India should be then determined by the Indian Legislature, (5) All the higher Civil Services should be put definitely on an Indian footing, no new European as such being recruited after five years, the pay and emoluments of the present officers being guaranteed in the Act or by Parliament if necessary, the Legislature having full power to lay down rules for the recruitment of the future offices, the actual recruitment being made by a Public Service Commission which should be made independent of all political influences, (6) Complete financial autonomy should be granted to India as to the Dominions, (7) Foreign relations of India should continue on an Imperial basis, India being represented on any body that may be hereafter constituted from the Dominions, (8) Political relations with the Indian States should be in charge of the Viceroy unless they are ready to join the Federation of the other Indian Provinces, (9) The question of communal relations should be passed on an agreed basis, though any provisional arrangements made for the satisfaction of any special claims should lapse by definite steps within a fixed period after which all communities should be on equal footing, (10) Full private religious liberty should be granted to all to be so exercised that it will not trench on the similar liberty of others.

Such would be our demands. A new Government of India Act should be of a comprehensive permanent nature, not requiring amendments from time to time in any essential particulars, and making in itself provision for automatic advance. I am not very particular about the actual periods in which these successive steps are to be taken but what I wish to say is that the present hand to mouth constitution should be given up and that India should be free to achieve her own progress unhampered by perpetual agitation for change in its constitution which tends to cloud all other issues.

### The Lee Commission Report

The Lee Commission Report has been accepted by the Home Government in all its essentials and the appointment of this Commission and the subsequent disposal of its report has caused legitimate heart-burning and discontent among all classes of the people. Indians naturally object to the theory of the 'Steel Frame' and it is this implication of the incapacity of Indians to man these services that is the cause of occasional criticism—sometimes even unfair criticism—of the services. The functions of the services have so far been both political as well as administrative. The new political developments that we claim and that are inevitable will take away from them their political functions of directing the policy of Government. If the services are confined to their purely administrative functions and play the role of the permanent services in England, all this criticism will disappear and the relations of Indians with European officers will be quite harmonious. Indians recognise that Europeans in the services have set before them a high standard of efficiency, discipline and general honesty and we shall be glad to learn and profit by these qualities from them. I venture to say that when the services attain their natural position as the servants of an Indian Government Europeans will even be welcomed in many positions instead of being regarded as unwelcome outsiders thrust upon us. With regard to the pay and conditions of the services themselves there would have been no difficulty. We do not wish to keep any class of our servants discontented, legitimate claims for the proper living wage of that particular class must be cheerfully met. We may even admit that in the case of a few officers the recent high increase in prices has made it impossible for them to keep up the standard of living to which they were accustomed and which they expected to maintain when they came to India. But India rightly wants to know that this reasonable consideration of the claims of existing individuals does not place upon her a burden that is irremovable and permanent like the Old man of the Sea on the back of Sindbad the Sailor.

I should think that the only way of settling the question of the pay etc. of the services on a permanent footing is to have these matters decided on the hypothesis that all servants are to be Indians recruited in India and having the necessary qualifications. The service of Government ought to be honourable and comfortable but not too expensive for the tax-payer. It ought not to be too meagrely paid as this will diminish the efficiency and lead to the evil of corruption etc. which were rampant in India of old and are even now not unknown in some countries. These basic conditions being determined once for all on a

priority considerations a European should be given such additional allowance, pension and passage concession as would enable us to get the requisite kind of person. But the number of these should be strictly in our hands. We are prepared to give any guarantee required for the security of their pay and pension. In some cases, as in the professional posts in the educational service, it may be found desirable to recruit men on short period contract. But a general resort to the system in all cases will probably prove far too costly and will take away from India all the training and experience gained by the officers at our expense. Government would have found that if it had yielded to Indian wishes on the question of Indianisation and control, the Assembly would not have proved unreasonable in the matter of the treatment of the present members of the services and would have given them proper security of tenure and emoluments. But a question which should have been solved in a reasonable spirit gave rise to a first class conflict and has caused much bitterness of feeling in which practically all Indians are on one side and all Europeans on the other.

### The Communal Relations

Perhaps the most important and difficult question in Indian politics is that of communal relations. All others may some time or other receive their solution but this will remain a standing problem unless every Indian makes a conscious effort to solve it. The atmosphere is so fissiparous that divisions occur even when union is intended. The religious spirit which is supposed to make for peace and contentment and to lead people to think of something higher than mere material and trivial concerns has itself in India led to the greatest disturbances. Religious and communal feuds meet us at every step. Hindus and Mahomedans, Christians and Sikhs, Parsis and Buddhists and Jews all think in their own separate circles. Among these larger groups there are also divisions innumerable. Among Hindus are Brahmins and Non-Brahmins and Depressed classes, among Non-Brahmins in Bombay there are the various castes comprised among them and so on. Everybody naturally thinks of his own small separate group—the smaller the better in his opinion—and the generality think of their country last of all. In an impatient mood one wishes sometimes for a dreadful upheaval like the French or Russian revolution when the very name of religion will be forbidden and God abolished once for all. But I am afraid even this would not be effective, for the abolishers of God will soon themselves turn into Gods. The only way to get over these differences is the slow method of gradual education into a common national spirit. In the beginning even what we call education does not seem to produce much effect, for very often the leaders of bitter communal movements are well educated. But one must not yield to this mood of despair and do what one can to solve this problem.

### The Lucknow Pact

Nine years ago the first organised attempt was made in this very city to arrive at a solution of the Hindu-Muslim question. After a great deal of heated debate a solution was arrived at which goes by the name of the Lucknow Pact. Each side considered that it had yielded a great deal, in fact more than it had gained. The

Montagu-Chelmsford report accepted this pact as a settled fact and the arrangements under the Government of India Act were in accordance with it. In six of the Indian provinces the Mahomedans got a substantially larger proportion of seats in the Councils than was justified by their numbers while in two provinces they got a smaller representation. In these latter provinces the Mahomedan population was in a majority and according to the pact they were reduced to an equality or a minority by a very small margin. These provinces have therefore raised the cry that they should give a majority to the Mahomedans. In the other provinces, it is then contended, that the Moslems should get only their share according to population. Those contentions appear to me almost sickening, for it is a very small matter indeed who has a representation more or less. I should accept almost any solution provided it is permanent. I wish to arrive at a state of things when these distinctions will be forgotten, at least in the political and public field, and religion will remain only an individual's private concern.

The ideal solution would of course be one when there are no separate electorates and the best men get elected to the Councils. The fundamental principle of representation is that the elective bodies should form a mirror of the whole country so that the feeling of the people can be correctly gauged. After such a body has been secured the majority should rule but in such a way that all reasonable claims of minorities will be scrupulously regarded. The method of proportional representation would give Councils almost accurately representatives of the whole population and if voters choose to vote according to their communal prejudices, they will secure representation by means of their own fellows. But the method will enable the large central mass of all communities which is not bitterly extremist to have its say. At present with separate electorates the tendency is for the extremist of each side to get elected while the moderate men have no chance. After getting so elected the members consider that their only duty is to their special electors and they therefore look to the narrow sectional interests rather than to the larger national interests. This tendency is, perhaps naturally, more evident in the representatives of minorities and special electorates. I do hope therefore that our leaders will examine the merits of this system and not discard it as too technical or complicated. It has been tried in countries where similar religious and racial antagonisms were rampant and has given full satisfaction. Of course the system will not make allowance for so-called political importance or special claims. But I would appeal to all communities not to insist upon these anywhere as such claims are anti-national and hinder the national progress. They are characteristic of people who are always looking backward rather than forward. It is possible by a small modification to give even larger representation to the smaller communities by a reservation of seats, but the main thing is to have a wish to come to a settlement. That wish once postulated the rest of the problem will appear quite easy of solution.

Of course we cannot go back upon the agreed solution of the Lucknow Pact without the consent of both the covenanting parties. But one thing we may always try to, not to allow this virus of communalism to spread any further. These separatist demands are getting more and more

numerous It is claimed that similar separate representation should be given in all local bodies If the principle is thus followed to its logical conclusion then India will never become a Nation, it will be a collection of many nations not separated into various provinces but everywhere mixed together though always remaining separate in their minutest parts.

### Class Representation

The same remarks apply to other claims of a similar character. The Non-Brahmins in Madras and the Deccan form the vast majority of the population and even a large majority of the electorate If they wish therefore to be represented by their own men they can do so on the present common electorates This has been actually seen in the last two elections The reservation of seats has not generally been needed as they have secured far more seats than the minimum reserved to them The only case for a separate and favourable consideration is that of the Depressed classes which are so lowly and undeveloped that on any practicable franchise the number of voters from among them is bound to be very small and it would therefore be difficult for them to secure representation even in large constituencies For them I would give some special seats to be voted for by those elected from these classes who are on the general register, though with a view to keeping their interests in common with other communities I would also allow them to vote in the general elections. This special concession I would give only for a definite period until they come up to the general level The same principle may even be utilised in the case of Mahomedans or Sikhs if it is sought to give them representation in excess of their numerical strength To give an illustration, suppose in a province there are 10 per cent Mahomedans and 90 per cent others and that in a Council of 150 it is desired to give them 30 seats and also 10 seats to the depressed classes I should then elect 110 members by means of common electorates on a system of proportional representation, of these 11 would be expected to be Mahomedans if the Mahomedan voters so wish Those of the electors on the general list who are Mahomedans will then be asked afterwards to elect 19 members from among themselves and those from the Depressed classes 10 from among themselves It may of course happen that in the common election more than 11 Mahomedans may be returned and perhaps some depressed classes men also But I would not object to this in the least. The main point is that at least some Mahomedan candidates will try to learn the needs of their Hindu brethren and the Hindu will have to look to the interests of the Mahomedans and the Depressed classes. The knowledge of each other that will be obtained by this process will tend to foster a common national spirit which when fully developed will render the provisional arrangements quite unnecessary

The principle of adequate representation of all classes of the people in the public services is accepted by everybody and Government also have made rules for this purpose At present, however, the various communities look to favouritism in order to get appointments I am entirely against patronage of this kind being enjoyed by Government and I wish to see all recruitment to public services made when possible by open competition and at any rate by an independent body In order to see, however, that the backward communities do not suffer on account of

communities do not suffer on account of unrestricted competition I would reserve a certain minimum percentage to be competed for by the candidates from those communities; *inter se*. This minimum I would gradually reduce as the communities rise to a position of equality with the advanced communities. For each class of appointment a suitable minimum qualification will of course be considered indispensable. To give a numerical illustration suppose in a province it is necessary to protect the Mahomedans and Non-Brahmins in the recruitment for a class of posts. Of every ten posts to be filled by an open competitive examination, four may be filled up according to the list in order of merit irrespective of community of race, of those that are lower three Mahomedans will be taken in order and three Non-Brahmins in the same way, provided that these have obtained a certain minimum percentage of marks which is considered as the indispensable qualification for that class of posts. This special consideration will not be required for many years and the number of posts to be filled by absolute competition will be gradually increased and the others gradually diminished. The pace of this process will naturally be determined by seeing how many candidates from the specially favoured classes are able to hold their own and get selected in the unrestricted competition. On every occasion when new recruits are selected the Public Services Commission, or the other selection authority in special cases, should always publish a list of candidates together with reasons for any deviation from the principle of open or restricted competition if required in any special case, so that the public may be satisfied about the fairness of the appointments. The main object is to hasten the day when special concessions will be done away with altogether and all people in the country are advanced to the same pitch.

#### Backward Communities

In Councils to a certain extent and in public services the first object is to get the best men and the communal consideration is comparatively subordinate though not negligible in the present state of our country. As one who wishes to bring all communities to a common level and thus do away with communal distinctions I am prepared to grant special educational facilities to the fullest extent to backward communities. Special encouragement should be given by means of scholarships or other special devices, admission to educational institutions in which demand is greater than the supply must be made easier for them by reserving a certain number of places for them if need be. The advanced communities should not grudge such concession, they should understand that they are the price they have to pay for the sins of omission and commission of their forefathers under whom these communities were allowed to remain backward and thus impede the path of national progress.

These three points viz, representation in public bodies and public services and entrance into educational institutions, mainly concern the educated classes of the various communities and cause bad blood among them. A proper solution of them will solve more than half the communal problem. For the higher classes if reasonably satisfied will use their influence with their backward brethren and do away with the other points of friction which often arise and cause violent disturbances. The three points which lead to these outbreaks are cow slaughter, processions and music, and conversion propaganda. On the question of



cow slaughter and music I practically agree with the resolutions passed at the Unity Conference at Delhi. The Hindus should not object to the slaughter of cows if it is done in a manner not needlessly offending their susceptibilities i.e., not in public or in a place accessible to the public and not accompanied by a public procession of cows doomed to slaughter. To this the Mahomedans should have no objection. More the Hindus cannot demand as cows are slaughtered every day for the use of all Non-Hindu communities. Whether the Mahomedans will, of their own free will, go further and reduce or abolish cow slaughter of their own motion must be left to themselves. They will only do so if the general relations between the communities become permanently friendly and evince a wish to oblige each other and not stand merely on legal rights.

On the question of processions and music before mosques, I think a definite permanent settlement can easily be reached as it is more a question deliberately offending the other party rather than of religion. It is not a prescription of Hindu religion that music must be played all through the processions, neither I suppose is it ordained by the Koran that a Mahomedan should object to it during prayer. Generally I would discourage religious processions through the streets of towns as they inevitably lead to trouble. In any case at stated hours of the day and for definite intervals loud music should be stopped within a hundred yards of a mosque when the faithful are having their prayers. These times and intervals should be once for all recorded and no new right of this nature should be allowed to be created. Within a hundred yards soft music only should be allowed. Whether the Hindus should go further to please the Mahomedans would again depend on their mutual friendliness and law cannot go any further. I would only say that in every place there should be a standing committee consisting of equal numbers of leading Hindus and Moslems presided over by an influential neutral resident of the place to decide these questions of a semi-religious kind. The members of these committees may be elected by the people themselves and the representatives of the place on the Councils should be ex-officio members.

#### Conversions

As regards conversion propaganda I think that no community should object to any of its members changing his faith and joining any other religion. If there are religious injunctions, to the contrary they should go, as have several other such injunctions as not consistent with the spirit of modern civilisation. But I should have some new legislation to see that this conversion is deliberate and not fraudulent or forced. I have always held that there should be a complete record of all happenings in the civil condition of every subject of the State which touch the State or become afterwards subjects of dispute. Births and deaths are at present registered more or less thoroughly, I would add to it immediately the compulsory registration of marriages, adoptions and conversions, for all these affect the civil status of a person and are not merely in the nature of private contracts. I shall leave marriage and adoption registration for the present, but I think that a law requiring the compulsory registration of every conversion from one major religion to another will bring the light of publicity to bear upon it and tend to reduce the danger attendant upon it. In that law the following conditions should be inserted,—(1) All conversions should be registered in a definite

manner, (2) no conversion of a minor should be allowed unless both his parents, if living, or the father if the only parent living, or the mother together with the legal guardian of the minor, consent to the conversion of the minor in writing, (3) if the minor is an orphan, no conversion should be allowed until he attains majority (4) The registration should take place before a Magistrate in presence of two respectable witnesses from each community and the Magistrate should openly question him in their presence whether the conversion is voluntary and 'bona fide' before registering it, no discussion of the matter by the witness being however allowed, if any conversion is found to have taken place clandestinely without registration it should be made a cognisable offence and punishable by a fine in ordinary cases and by imprisonment in case of forcible or fraudulent conversions, the persons who brought it about and the priests or other persons who officiated on the occasion being held responsible, (5) if either the husband or wife gets converted, the wife or the husband should have the option of getting the marriage cancelled, the wife getting back all the property she had before marriage, and in the case of a Hindu wife she should get a suitable maintenance from her converted husband through the Government according to the position and status of the family in society, (6) no public procession or demonstration should be allowed in celebration of any conversion I have given my ideas on this subject in some detail as I feel that with rising communal patriotism the light of publicity and strict legal procedure will serve to reduce the dangers necessarily attendant upon such conversions I heartily recommend the suggestions made above to our legislators so that a private Bill may be drafted and submitted for consideration by the public and the legislature

#### Anarchical Movements & the Bengal Ordinance

The spread of anarchical movement in Bengal and the measures taken by Government for their suppression have evoked deep protests from all political classes. These protests are a symptom of the distrust in which the present Government is involved, for I believe that if there had been a general feeling of confidence in Government among the people there would have been a tendency to look at the matter from dispassionate point of view. For the want of confidence Government policy has been mainly responsible though its evil effects are felt by Government and the people alike. I shall try to view the matter as a mere layman not conversant with legal technicalities and outline the attitude which in my opinion the Liberals as a body should adopt on this question.

While some of the other parties in the country talk of non-violence and Mr Gandhi at least is wholeheartedly devoted to it, I feel that the people as a whole have not thoroughly imbibed the idea that violent methods are absolutely futile for securing political advance, and that any advance that may conceivably be obtained through these methods is not worth making as it will necessarily be attended by evils which will be far worse than mere political disabilities. The loss of a sense of civic discipline, the spread of a reign of disorder, the consequent moral and economic loss, the outburst of sectional fanaticism, these are the necessary accompaniments of such movements. In India especially these results will be particularly harmful as these disruptive forces are always latent in the Indian polity and have not been transformed into active forces tending

to national solidarity. Hence we should not only do lip homage to law and order but should strive for it with all our might as otherwise we shall ourselves be the greatest sufferers. Do we find this enthusiastic dislike of anarchical methods among some of our leaders? We have had an exhibition of a prominent leader extolling the perpetrator of a crime and expressing his appreciation of his motives while formally disapproving of the crime itself. Uneducated people will not be able to separate the two with the analytical acumen of a leading barrister who is often apt to invent distinctions where there are none, unbalanced young men who would be useful citizens of their country if their energies are properly directed are likely to think from the generally critical and hostile attitude assumed by that leader towards Government and Europeans that the appreciation is the real thing intended for him while the disapproval is only the gloss to save appearances or a possible line of defence if faced with legal consequences. India is not fit at present for such metaphysical subtleties or hyper-critical distinctions. Unless we are absolutely clear as to our attitude towards anarchical crimes or their perpetrators our protests against the measures taken by Government will not have the least weight.

Though in the recent Bombay Conference resolution there has been some attempt to cast a doubt at the existence of the anarchical movement in Bengal, the plain and frank admission of Mr C R Das that it exists should be sufficient for us especially as he agrees with the Government on that point. Of course the remedies suggested by the two differ but that difference itself makes their concurrence all the more significant. The Government case is that the ordinary processes of law are no longer efficacious against such crimes, that some exceptional measures are required to cope with the evil and that therefore they have issued the present ordinance. One may perhaps agree to a certain extent that terrorising of witnesses and occasionally even of judges and juries may have taken place but one has also seen that in most of the cases which were actually brought before the Courts conviction has been secured, though some cases, and these not always only of an anarchical character, have failed mainly through the inefficiency or incompetence of the Bengal Police. But there is no doubt that the position at present is different than in normal times and probably some exceptional measures are required. The question then arises as to whether the usual procedure of legislation could not have been first resorted to and then only if it failed to give the necessary power of issuing the ordinance should not have been utilised.

The fact that the Legislature was meeting in Simla less than a month before the issue of the ordinance and that it was not consulted gave rise to a feeling among the people that this was an explicit attempt to set the constituted machinery at naught and this feeling has thus some apparent justification. But His Excellency the Viceroy has recently told us that he was not satisfied about the need of these special measures and that he had not gone through all the papers till after the Assembly had dispersed. We shall accept this statement of His Excellency as the whole truth so far as he is personally concerned, but it will require a pretty hard stretch of the imagination to believe that neither the Bengal Government or the Home Department of the Government of India had practically made up their minds till within a month of the issue of the ordinance and that they had not so

manipulated the time as to force the hands of His Excellency the Viceroy I cannot therefore acquit these two of all responsibility for the unpopularity of these measures even assuming that a real need for them existed. The Viceroy, seeing that his hands were being thus forced into using his exceptional powers rather than consulting his legislature, might well have stood firm and called a meeting of the Legislature once more and placed all the facts before possibly a confidential and private joint meeting of the Assembly and the Council of State, if the matter could not afford to wait for a month or two.

Even supposing the calling of a special meeting of the Legislature impossible or impracticable, it should at least have been possible to call together a few of the respected leaders of the various parties and place all the facts before them. This kind of informal consultation with opposition parties in grave national emergencies is not unknown in western countries. After all, these Indian leaders have the good of India at heart and if shown sufficient proofs, even though unverified according to the strict rules of evidence openly in a court of law which justified immediate action at the risk of a grave national peril, they would have probably agreed to the special measures or suggested some alternatives worthy of consideration. A plain unreserved private talk at the table would have got over many difficulties which assume large proportions when dealt with in all the ceremony of an open debate in the Council. I have been told of a similar instance in which uncompromising opposition changed into silent support to the Press Bill proposed by Lord Sinha when he showed to a popular leader, not altogether a *bête noir* to the extremists, all the papers of the case containing extracts from newspapers which daily preached anarchical crimes and incitements to murder. Probably a similar support may have been obtained from some at least of our leaders though I can well conceive that their opinion might not have been accepted by certain others who in their heart of hearts chukle at such movement as calculated to cause trouble to Government. But their support would have been taken as justification of these measures by a large section of the people. Even assuming that the leaders thus privately consulted had refused to agree with the Government view, still Government as responsible in the last resort for order and good Government could have taken the measures that it has actually done without any loss of time. They would however have shown their utmost readiness to conciliate popular feeling as far as it was at all possible for them to do. As it is, the mischief of arbitrary action has been done and not all the speeches of Lord Lytton or Lord Reading will quite undo it. In short, it appears that some special action was probably justified, but that the manner in which the actual measures were taken was most unfortunate and has alienated the people more than it was necessary. The whole thing once more exemplifies the growing distrust between Government and leaders of various parties in the country.

As regards the actual measures themselves, I am not qualified to give a definite opinion. Whether they go too far, assuming the need for such special action was proved and was urgent, it is not for a layman like myself to say. Several safeguards have been introduced an appeal to the High Court being allowed after examination of the cases by three persons of whom two are to be of the position of distinct

judges. Further, action is to be taken under these measures only in crimes of certain character and committed not by isolated individuals but by or at the instigation of a member of an anarchical society. These are certainly some valuable safeguards and cannot allow of organised and systematic oppression of any class, much less of a political party like the Swarajists as has been widely represented for interested reasons by that party. The Bengal Regulation III of 1818 gives however too wide powers of indefinite detention without trial and in my opinion should not be used for this purpose. It appears to have been originally intended for use in times of war and especially to deal with foreigners or persons suspected of treasonable designs in the interest of a foreign power on such an occasion.

Over and above the natural and intelligible dislike of the people to the grant of such extraordinary powers to the administration, there is in this country the wide distrust, and not always undeserved, of the police. It is felt that even if Lord Lytton or Lord Reading were honestly convinced of the need of such measures, they will still have to be administered by the police and it is unfortunate that the police in this country have not yet come to be regarded as the friends of the people but rather as agents of tyranny and oppression. The extraordinary powers, it is feared with some reason, will be utilised by the police as additional instruments. This distrust of the police is both the cause and effect of its inefficiency and I hope that strict measures will be taken to see that these special powers are not misused in any way. Further, to allay discontent I hope that the fullest publicity will be given to such details as can be given out without any risk to any innocent persons. As it is, since the arrest of these alleged anarchists two months ago, no information about their crimes or their trial has been at all published and this hush-hush policy is adding to the wide discontent caused by these measures.

In discussing these measures I have, while not condemning them root and branch, taken a severely critical attitude. But I wish that these measures should not remain in force a moment longer than necessary. It is the habit of Government in this country to keep such powers when once obtained. But let me warn them that people expect that these powers will be dispensed with as soon as possible and that any legislation necessary should be placed on the statute book with the consent of elected representatives of the people. I realise that the *virus* of anarchism when once introduced into a country is very difficult to eradicate but its action will be considerably minimised by taking powers to conciliate the people and their leaders. No Government, not even the Government of India, can be carried on satisfactorily without the silent support of the masses, and while it takes these special measures which may or may not be justified, it is its bounden duty to see what further permanent measures should be taken to produce the requisite contentment of the people. Otherwise the anarchical crimes will not disappear but will grow into a menace much bigger than it is at present. One part of these permanent measures consists of a rapid political advance of which I have tried to speak before. It will be fatal for Government to delay taking effective action in this direction.

The idea of CIVIL DISOBEDIENCE as the highest form of patriotism that is being implanted among a large number of semi-educated people

is perhaps the most mischievous feature of the present extremist propaganda. Under the name Satyagraha, non-co-operation or civil disobedience, it is being sedulously advocated all over. The deleterious effects are already being seen. At Mulshi it has recently led to shooting and sword-cutting of innocent labourers. It inevitably leads to outburst of violence whether on one side or the other. It has done so at Nagpur, Tarakeswar, Vykom, Jaito and other places. It may perhaps provide occasionally a suitable handle against Government but the effect on the people is permanent. Respect for law and order disappears once for all and all criminal elements in the population are led to think that they are becoming patriotic by imitating the so-called patriots in their actions. It must be remembered that this want of respect for law and order on the part of the masses will continue even if all the ideals of the Mahatmas, Maulvis or Deshabandhus are fully achieved. They will find when they are responsible for the Government of the country that these seeds that they have now sown to cause trouble to Government will grow into a pest which they will be unable to get rid of. I cannot think of a policy more short-sighted than this of preparing for infinite trouble for oneself in order to obtain a problematical momentary advantage. The extremist leaders may chuckle at a campaign for the refusal of taxes to the present Government but they must keep in mind that even a Swaraj Government cannot be carried on permanently on forced loans, endowments of large temples or the proceeds of highway robberies. Taxes will have to be levied and paid by the people under all Government. But once the people are taught to consider that refusal to pay taxes is the highest form of patriotism, the task of future Government will become almost impossible.

Another handicap of a similar nature that the extremists are preparing for the country in future is the habit of paying absurd homage to personalities. My ideal of the India of the future is a democratic India in which all will be equal and have equal opportunities, when persons will be judged on their merits and when their views will only be tested by their consonance with reason. But in extremist India at present we cannot do without a dictator. We are gravely told that unless we agree to some ridiculous proposal which all consider impossible, we shall lose the benefit of the leadership of some particular person, that therefore that proposal must be accepted. It is this is the one condition that leadership can be retained, a true democrat ought to consider that person unfit for leadership at all. We are accustomed in India to various kinds of Swaraj of an autocratic kind and we do not wish to have these experiments repeated on a larger scale. The Swaraj that I want will be one in which there will be no supreme and irremovable head, in which policy will be determined by frank interchange of opinion and not by a closed cabinet deliberating behind closed doors. While we have words of ridicule or invective strong enough to hurl against the present system of irresponsible Government, we are ourselves falling into the same habit only to a far greater extent. Again while we are pretending to treat with contempt the holders of titles, we are inviting new titles for ourselves. The dropping of the appellation of "Mahatma" when speaking of Mr Gandhi leads almost to a riot at public meetings, though it is but fair to

acknowledge that he himself has always protested against the word. I am, as a pure democrat, against all titles whether Governmental or popular, and the democratic Governments of the Dominions have already protested against the grant of these titles to their subjects. This absurd veneration for titles has not disappeared among the non-co-operators with their boycott of titles though it has taken a different form. Occasionally also the ostentatious repudiation of titles is but an inverted form of the same kind of snobbery.

### The Kenya Question

During this year the Kenya question remains practically where it was. True, the projected immigration legislation has been dropped but all our other wrongs remain as they are. It is needless once more to discuss this question in detail. Bishop Whitehead has summed up the situation in these words of warning to Englishmen in which all Indians willfully agree: "The one question that needs our serious and careful consideration is the principle for which Indians are contending, both in Kenya and South Africa. We must bear in mind that India to-day can no longer be treated as a conquered country and her people as a despised and inferior race, and that if India is to remain within the British Empire it must be upon terms consistent with dignity and self-respect. We must speedily make up our minds whether we wish to keep India within the Empire or not. If we do, we must firmly refuse to allow any legislation to be passed or settlements to be made in the Colonies or protectorates under the direct control of the British Government which discriminate against Indians and make them feel that they are treated as aliens or out-castes. And the whole force of public opinion in England must be directed strongly against the racial pride which so often wounds the sensitive feelings of the people of India".

The question of the position of Indians in the Colonies and Protectorates is only one small part of the very vast problem of the conflict of the White and Coloured races. The White races though numerically in the minority are well-organised, powerful in all the weapons of up to date warfare, both military and industrial, and actually in possession of by far the largest portion of the earth's habitable surface. Their population is increasing by leaps and bounds, much faster than that of the coloured races. The world is not big enough for these increasing numbers and a conflict is sure to occur sooner or later. The world war owed its real origin to this need for finding suitable outlets for the surplus population of Central Europe. But the League of Nations which is mainly dominated by the White races will probably stop such world wars in the future between various sections of these races and their pressure against the coloured races will grow greater and greater. India which forms about a third part of the coloured races of the world should learn to organise itself in the same manner and make itself strong by removing the various evils in its body politic. Above all she must cease to look backward eternally bragging of its past. She is likely to meet with the strongest opposition from the white races. Above the narrow questions of current politics looms large this supreme question: Is India going to live as a nation for all time? If she is, she must set her house in order and prepare for all eventualities in the future.

# Resolutions of the National Liberal Federation.

The following Resolutions were passed at the Seventh Session of the Federation held at Lucknow on Dec. 27 and 28, 1924.

[The first two are condolence resolutions which were passed all standing ]

## THE REFORMS ENQUIRY COMMITTEE.

The National Liberal Federation regrets that the scope of the Reforms Enquiry Committee was too restricted for their deliberations to prove of substantial utility. But it urges the publication without delay of the reports of the Committee and of the evidence, oral and written, received by them together with the despatches of local Governments including minutes of members of Executive Councils and Ministers which may have accompanied those despatches.

[Moved by Pt. Gokaran Nath Misra]

## SELF-GOVERNMENT.

Mr CHINTAMANI, who moved the resolution on Self-Government, in the course of a vigorous speech gave a general view of political developments in the country during the past four years and pointed out the necessity of revising the Government of India Act before the statutory period. He made an effective reply to the criticisms levelled against Ministers and non-officials who honestly tried to work the reforms, and said that neither in the interests of the country nor of the British Empire should a system of constitution which was found to be unsatisfactory from all points during the past five years be allowed to continue a day longer. He emphatically and categorically denied the recent statement of the Viceroy that the Government of India and all local Governments tried to work the Reforms successfully. He affirmed as a fact and a truth that since the day Mr Montagu was made to leave the India Office, by their persistent omissions and by their methods there was a lamentable lack of co-operation from the services for the working of the Reforms. The resolution runs—

(a) The National Liberal Federation of India re-affirms its conviction of the paramount necessity of the early introduction of full responsible government in British India, alike in the provinces and in the Central government, only the foreign, political and military departments being retained for a time under the control of the British Parliament, and of the full recognition of India as a Dominion in all matters of imperial concern and inter-imperial relations.

(b) The Liberal Federation holds it to be essential that (1) The control of the Secretary of State for India over the administration and revenues of British India should be curtailed by statute, so that his position may approximate as nearly as may be to that of the Secretary of State for the Colonies in relation to the Dominions,

(2) The Council of India should be abolished,

(3) The Governor-General in Council should be responsible to the Legislative Assembly in the entire sphere of internal civil administration,



(4) The departments of foreign, political and military should be under the control of Parliament, a certain amount of money for expenditure on them being fixed by statute, any further demand being subject to the vote of the Legislative Assembly, and that the position be reviewed after a definite period,

(5) Provincial Governments should be responsible to their respective Legislatures except in the administration of agency or central subjects,

(6) All civil services at present recruited on an All India basis should in future be recruited in India, and their control should be transferred from the Secretary of State to the authorities in India, subject to such conditions as may be laid down by statute,

(7) The franchise should be widened, and adequate representation should be accorded to the depressed classes and the urban labouring population, and

(8) Women should be given the right of vote as well as candidature on the same terms as men,

(c) The Federation authorizes its Council to prepare a scheme of reform on the aforesaid lines and on the lines of other resolutions, and to confer with regard thereto with other political organizations in the country whose object is the attainment of self-government for India.

#### FINANCIAL POSITION OF PROVINCIAL GOVERNMENTS.

Sir P C MITTER then moved —

The National Liberal Federation has noted with grave concern the financial embarrassments of provincial Governments which have severely handicapped Ministers and Legislatures in developing beneficial services and contributed to the unsatisfactory working of the Reforms in the provinces, and calls upon the Government of India to abolish the system of provincial contributions and reconsider division of the sources of revenue between the Central and Provincial Governments, so as to leave to everyone of the latter adequate resources for the efficient performance of their duties and for development, the Central Government balancing their own budget by the strict enforcement of economy, generally in all departments and specially in the Army Department.

Sir Provash alluded to the extraordinary increase in military expenditure after the war and condemned the policy in that respect. He alluded to the starvation of the Sanitation and Educational departments, and said that no impartial tribunal could say that bureaucratic Government had done anything for the benefit of the masses and that no Province under the Reforms had enough funds at its disposal to discharge its responsibilities to the people.

#### THE LEE COMMISSION RECOMMENDATIONS.

(a) The Liberal Federation records its protest against the acceptance by His Majesty's Government, in utter disregard of Indian opinion, of the Lee Commission's recommendations in behalf of increased emoluments to the British Services in India which, in the Federation's opinion, are excessive and beyond the capacity of the Indian taxpayer, as well as compromising to the self-respect of India.

(b) In the opinion of the Federation the continuance of recruitment in England under the Secretary of State's control is incompatible with steady progress to the goal of responsible Government, which is the policy authoritatively laid down by the Sovereign and Parliament, and in future all recruitment should be made only in India. [Moved by Mr. N. M. Joshi, M. L. A.]

## THE DEPRESSED CLASSES.

The Federation expresses its deep sympathy with the depressed classes, abhors the unsocial sentiment that any section of humanity is untouchable, and calls upon the Hindu community to the utmost of their power to undo the grievous wrong done to them and take all possible steps to ameliorate their condition socially, educationally and economically

## ECONOMIC DEVELOPMENT AND SWADESHI

(a) The Federation desires to impress equally upon the people and the Government the urgent necessity of measures of economic amelioration, including the improvement of agriculture, the development of co-operation, the organization of capital and the encouragement of manufacturing cottage industries

(b) The Federation is in full sympathy with the Swadeshi movement and urges both the people and the Government to give preference to the products of Indian industry even at a sacrifice

## MILITARY POLICY AND EXPENDITURE.

This Federation expresses its grave dissatisfaction with the manner in which the military training and equipment of Indians has been and is being neglected by the Government, and while it takes note of the grant of the Kings Commission to a few Indians in recent years, the establishment of a preparatory school called 'Military College' at Dehra Dun and the scheme for the Indianisation of 8 units, it is strongly of the opinion that these steps are wholly inadequate and it accordingly makes the following recommendations and urges the Government to give effect to them

(1) That a scheme for the education and training of officers be prepared so as to bring about the Indianisation of the Army within a reasonable distance of time—the scheme of the Indianisation of the 8 units bearing in the opinion of the Federation no relation to the growth and development of the constitution,

(2) That Indians be admitted to all branches of the Army, including Artillery and Air Force, and that they should be admitted into these sections of the Army not merely in subordinate positions but as officers,

(3) That proper and well equipped colleges should be established, and a definite programme of military education should be prepared,

(4) That all distinctions based upon race between the Auxiliary and Territorial Forces should be abolished, and that these forces should be properly organized,

(5) That officers' training corps should be established in all universities in British India and that compulsory military training should be made the rule in the case of all university students who are physically fit,

(6) That selection boards for selecting young men for all classes of the people should be established, and that Indians should be adequately represented on such boards,

(7) That the question of the financial liability of India to the British Exchequer for British troops should be referred for examination to a Commission on which Indians should be adequately represented,

(8) That the strength of the Indian Army should be determined with reference to the needs of India for her internal security and safety against foreign aggression, and should not be based upon considerations of the needs of the other parts of the Empire.

[Moved by Principal Lanitkar of the Fergusson College, Poona].

## INDIANS IN SOUTH AFRICA AND KENYA.

Sir TEJ BAHADUR SAPRU then moved the resolution on Indians abroad. The resolution runs —

(a) The Liberal Federation strongly protests against the enactment of the Natal Boroughs Ordinance depriving Indians of the Municipal Franchise and thereby not only creating a new civic disability but ruinously hampering them in their occupation as traders.

(b) The Liberal Federation urges the Government of India to immediately send an officer of theirs and a non-official to South Africa to enquire into the Indian situation and to make a full report to them. The Federation urges the Governor-General to move His Majesty's Government to advise the Crown to disallow the Ordinance under section 65 of the South Africa Act of 1909.

(c) The Federation re-affirms its strong protest against the anti-Indian policy of His Majesty's Government in Kenya in 1923 and notes with regret that the late Labour Government did nothing to undo the wrong done to Indians by its predecessor.

(d) The Federation further urges the Government of India to publish the report of the Colonies' Committee and the steps which have been taken to implement it.

(e) The Federation re-affirms its resolution asking the Government of India to take urgent steps to secure a reversal of the anti-Indian policy in Natal and Kenya as well as in other parts of the Empire and not to hesitate to have recourse to retaliatory measures.

In a telling speech that was heard with great attention by the Federation, Sir Tej Bahadur Sapru exhaustively dealt with the question of Indians in the Colonies. He called attention to the unanimous felling that existed among all sections of the people of this country on the intolerable position that was accorded to his countrymen in the Colonies. He reviewed the work of the last Imperial Conference of which he was a member, and in this connection pointed out the attitude observed by General Smuts representing the South African Government. Had they been a self-governing country such treatment as was being meted out to their countrymen in the colonies would not have been allowed. It was humiliation for the people of this country and to the Government of India that the Government of India was unable to protect its nationals in other parts of the Empire. He pointed out that section 65 of the South Africa Act provides that the King might disallow within one year any Act assented to by the Governor-General and he asked that His Majesty might be advised to disallow the Natal Ordinance. It might be said that His Majesty's Government could not interfere with the internal administration of self-governing Dominions. His reply was when there was a conflict between one part of the Empire with another part and when people of one part was unfairly treated by another, that was a proper occasion to exercise the power vested in His Majesty.

After further arguments on the constitutional aspects of the question, Sir Tej Bahadur Sapru dealt with the Imperial War Conference resolution of 1918 laying down the principle of reciprocity between various parts of the British Commonwealth including India. Sir Tej Bahadur in conclusion characterised the treatment accorded by Natal to Indians as unworthy of the citizens of the British Empire. He realised the difficult position of the Government of India in that matter, but the Government of India owed it to themselves and the people of this country to make it clear to His Majesty's Government that the treatment accorded to Indians in Natal was intolerable and the people

of India would never reconcile to the position accorded to their countrymen. He ventured to hope that adequate and proper representation on the part of the Government of India might not be without avail. If a satisfactory solution was not arrived at, then he urged that retaliatory steps should be taken. Sir Tej Bahadur then alluded to the work of the Colonies Committee and asked for publication of its reports. In the end he appealed to the members of the Legislative Assembly to raise a debate on the whole question at an early date.

#### THE BENGAL ORDINANCE AND THE DEPORTATIONS

Pandit HIRDAYANATH KUNZRU then moved the resolution on the Bengal Ordinance and made a vigorous speech condemning the action of the Government in promulgating the Ordinance immediately after the prorogation of the Legislative Assembly, without consulting representatives of the people. He said that the extent of danger of the anarchical movement was not so great as to necessitate this arming of the executive with extraordinary powers, and he mentioned the objectionable aspects of the Ordinance which were directed against the freedom of individuals. The provisions of the Ordinance ran generally on the lines of the Rowlatt Act, but with regard to the provision for penalising suspects the Ordinance went against the recommendations of the Rowlatt Committee on whose conclusions the Government placed great reliance.

Mr Kunzru mentioned that the powers with which the Government was armed were dangerously wide and instanced several cases of abuse of such special powers in the past. The defence of India Act, which the Bengal Government says was most effective in dealing with the revolutionary crime in previous years, was itself abused and harrowing tales of misery caused on innocent people by its use was unfolded in the old Imperial Legislative Council by Sir Surendranath Banerjee and Mr Bhupendranath Basu. Mr Kunzru thought that the Government considered special legislation a short cut to administrative expediency and therefore they could not look with equanimity the promulgation of the Ordinance which the Government wanted to introduce. Mr Kunzru detailed instances of abuse of Regulation III of 1818, such as the arrests of men like Lala Lajpat Rai, Messrs Aswini Kumar Datta and Krishna Kumar Mitra and others and was surprised that His Excellency Lord Reading, who, it was hoped, would repeal the regulation, had allowed its more frequent use.

Dealing with Lord Lytton's statement that the impetus to the spirit of terrorism was given by the Serajgunj resolution, he condemned vigorously the statement. He said he was no defender of that resolution which Mahatma Gandhi had also condemned. He asked "Was Mr Das a well-wisher of stable society or a promoter of anarchical movement sown by the inconsiderate or tyrannical Government? Was Mr Das responsible for those who committed the massacre at Amritsar or those who commended the action of Dyer and presented a sword to him?" In conclusion Mr Kunzru said repressive measures such as the Bengal Ordinance would not serve to put down any spirit of violence. Mr Jitendranath Basu, M.L.C., of Bengal seconded the resolution which was carried in the following terms—

The Federation is firmly of opinion that anarchical crime is entirely opposed to the progress of the country, and the Federation would support any reasonable measures for its suppression. But it is not satisfied that the recent measures taken in Bengal were called for and strongly protests against the promulgation of the Ordinance of 1924. The Federation is further of opinion that all ordinary means

for proceeding in the matter should have been exhausted before having recourse to any special measures.

The Federation is further strongly of opinion that the Regulation III of 1818 should not have been resorted to, as in the opinion of the Federation it is an abuse of that Regulation to apply it to the present case.

The Federation is further of opinion that measures like the Ordinance or the proposed Bill of such wide extent and giving such arbitrary powers to the executive, especially that of detention of persons without a trial for an indefinite period, is not justified. In the opinion of the Federation any special measures which may be passed to cope with the anarchical movement should provide for the speedy trial of persons against whom action is taken under it by a Bench consisting of three permanent Judges of the High Court.

In the opinion of this Federation the only effective permanent remedy for the recrudescence of anarchical activities is the removal of the causes of discontent which encourage and foster such crimes.

The following resolutions were then put from the Chair and carried —

#### EDUCATION.

(1) This Federation is firmly of opinion that for political, social, material and moral advancement of India a sound system of universal education is absolutely essential and calls upon all Provincial Governments and the Government of India to do all they can to advance it in all possible ways, in particular by—

- (i) Making elementary education compulsory for all boys and girls,
  - (ii) Creating a sound system of secondary schools in which special attention will be devoted to the building of character and the inculcation of discipline, by a proper selection of teachers who should be well paid, and by providing ample facilities for games, physical and moral instruction and manual training, and for promoting proper understanding between students of various communities,
  - (iii) Starting and encouraging schools of a modern type in which boys from secondary schools can be given vocational training which will enable the students to learn some bread-winning occupation,
  - (iv) Encouraging the promotion of the highest standards of learning and research in the universities,
  - (v) Founding institutions of the highest grade in all specialized subjects so as to make it unnecessary for Indian students to go abroad,
  - (vi) Paying special attention to the education in all grades of backward classes, and depressed classes,
  - (vii) Making special efforts to advance the education of girls and women,
- (2) That funds should be amply provided by all Provincial Governments for a well-thought-out programme of education and by the Government of India for educational institutions of the highest grade of an all-India character.

#### JUDICIAL AND EXECUTIVE SERVICES AND FUNCTIONS.

The Federation strongly urges the immediate and complete separation of judicial and executive services and functions.

#### THE KOHAT RIOTS.

The Federation is of opinion that the report of the Government enquiry on the Kohat tragedy is incomplete, one-sided and altogether

unsatisfactory. The Federation is strongly of opinion that the local authorities responsible for law and order failed utterly in the discharge of their duty and their failure should be dealt with by the Government. The Federation further urges that every possible step should be taken to resettle the Hindus of Kohat in their homes and to make reparation for the losses they have sustained.

#### MEDICAL AID IN RURAL AREAS.

The Liberal Federation deplores the insanitary condition of the rural areas and the inadequacy of medical aid for its people and therefore it urges the Government to lose no more time in providing for legitimate and due needs of the people.

#### HINDU-MUSLIM RELATIONS.

The Federation deplores the outbreaks of lawlessness in several parts of the country due to the tension of feeling between the two great communities of India and emphasises the need of all possible measures to create a feeling of mutual trust and regard. It commends the resolutions of the Unity Conference held at Bombay in September to provincial and district Liberal leagues and associations as being eminently practical and fair-minded and urges them to secure the largest measure of support for them by means of propaganda.

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# All-India Muslim League

BOMBAY—30TH DECEMBER 1924

The Sixteenth Session of the All-India Muslim League was held at Bombay on the 30th December 1924 with the Hon. Mr. Raza Ali, member, Council of State, as President, and Mr. Deoji Kanji, Sheriff of Bombay, as the Chairman of the Reception Committee. The meeting was attended by a number of delegates from all over India and also by Dr. Besant, Messrs. Nehru, Patel and other party leaders.

## PRESIDENTIAL ADDRESS

In the course of his presidential address Mr. RAZA ALI referred at the outset to the party changes in England and said that while we cannot be indifferent to the rise and fall of political parties in England, experience has shown that the presence of a mediocre politician at the India Office has proved infinitely more injurious to our interests than a strong anti-Indian Tory. The President welcomed Lord Birkenhead as Secretary of State and remarked "To indulge in political prophesies is futile, but I venture to say, if instead of trying to wrest from him by threats of civil disobedience we settle down to constructive work, the future may not be barren of results as it looks to day."

Surveying the events of the past 18 months Mr. Raza Ali said — "The collapse of the Non-co-operation movement has been followed by consequences which its promoters did not and could not foresee. Not only have communal disturbances brought to the surface the inner working of the minds of considerable sections of the population, but the leaders of public opinion divided into a number of parties have been unable to secure unanimity for a common programme to be put before the country. According to some, India can only attain her political emancipation through the spinning wheel. Others believe that it will come by stopping the working of the machinery set up by the Government of India Act. Then others take the view that the best method is to work or stop the machinery as it may suit us. Again, others are convinced that true wisdom lies in working it, such as it is, to the best of our ability. In addition to these, there are minor political groups too numerous to mention. All this reminds me of what a writer said about the Spanish character some years ago. He said that if seven Spaniards were to form a political association, it would soon split into three with one independent. It is to be recognised that we are passing through a period of transition and some of our difficulties are inherent in the situation. No sane man can object to the existence of political parties with a definite, workable programme in these go-ahead times. But if they are to work in co-operation with one another, they must have something common in their programme. And I ask is there nothing on which all parties are agreed? Is there any party worth the name that has not set before itself the goal of Swaraj or self-government? Hardly ever during the last one hundred years was there a matter on which public opinion declared itself half so strongly or unanimously as it has on this question. To us it is the question of questions and the problem of problems. The

differences—important though they at times may be—between race and race, creed and creed, class and class, are at once overshadowed by this overpowering manifestation of India's will. And yet the irony of fate is that so far we have been unable to separate the essential from the accidental, the changing from the immutable. The display of energy on our part is prodigious. Compared with its volume however, the effect must continue to be disappointingly small so long as we do not make up our mind to distinguish matters of principle from matters of procedure. For, except methods to be pursued, procedure to be followed, there is no vital difference between the No-Changer and the Liberal, the obstructionist Swarajist and the Independent. After all Non-Co-operation in its broadest and most orthodox form, obstruction with its varying moods, and constitutional agitation with its somewhat cheerless prospects, are only a means to the end and not the end in themselves. Our end is the attainment of Swaraj. Prudence and experience point to the absolute necessity of the various political parties drawing up, by common agreement, a national programme which can be worked by all. It need not be a very elaborate scheme. The fewer the points on which concerted action is to be taken the greater will be the facility in working it out. But two conditions ought not to be transgressed. In the first place, the programme should not ignore stern realities. Secondly, the methods to be employed should be practical. This would leave every party free to act as it likes with regard to the measures not included in the national programme. Objections—some of them of a weighty character—can be urged against this proposal. It may be said that in the absence of a fusion of parties, their meeting together for a particular purpose will deprive them of that enthusiasm, vigour, complete understanding and mutual confidence which are the life-blood of a political organisation. I must regretfully confess that in the absence of any willingness in the existing parties to modify their political creeds, I have no better solution to offer.

#### The Bengal Ordinance

The President, criticising the recent Ordinance, declared "The Ordinance sets up special tribunals, introduces a different set of procedure and curtails and, in some cases, takes away the right of His Majesty's subjects to the protection of the highest court of law in the land—the High Court. All these are encroachments on some of the most cherished and elementary rights of the subject. The greatest objection to the promulgation of extraordinary measures is that they afford an irresistible temptation to the executive to resort to summary methods and avoid going to the regular courts of law. Furthermore, the fact that in the numerous searches made so suddenly and almost simultaneously in various districts in Bengal, no arms and ammunition are reported to have been discovered lends weight to the objection of the critics. On the other hand, speaking for myself, I can say that it is extremely difficult to brush aside as unreliable all the evidence on which Lord Lytton felt himself justified in asking for the promulgation of, and Lord Reading on carefully examining it, agreed to framing, the Ordinance. It is possible, though by no means probable, that Lord Lytton, who as the Under-Secretary of State for India was known to be in sympathy with Indian aspirations, the ex-Lord Chief Justice of England who was a



prominent member of the Liberal party, and the labour Secretary of State were all seized with panic. The fact, however, remains that the Government, while pointing to the record of crimes, declare that they were unable to cope with the situation with the help of the ordinary law. It is unfortunate that from the nature of the case it is not possible for the Government to disclose the evidence and satisfy the public mind about the activities of each individual. While, therefore, I am unable to say that there was no justification for Lord Reading to exercise his extraordinary powers, I am convinced that the Ordinance goes too far. It gives that Local Government excessive powers and does not sufficiently safeguard the rights of the individual affected. This is no place for entering upon an exhaustive discussion, but the qualifications of the Commissioners and the Judges, the authority by which they are to be appointed, the committing to custody in jail of a suspect against whom preventive action may be taken and the option to the Local Government to accept or reject the report made by the Judges on a careful scrutiny of a suspect's case, are among others some of its obviously objectionable features."

Adverting to the personnel of the Indian Civil Service, the President said it was significant that no Mussalman had yet been appointed to the I C S as a result of the supplementary examination in India and the number of successful Muslim candidates in England was so small as to be almost negligible and he thought it was high time to take steps to do justice to Mussalmans.

Referring to other subjects Mr. Raza Ali said there are so many other matters which require a careful consideration. The alarming growth of military expenditure is closely bound up with the question of defence. Public opinion is fully alive to the importance of keeping our forces in a state of high efficiency. He is no lover of his country who will risk foreign aggression by unduly cutting down expenditure or reducing their number, but it would be equally wrong not to cut our coat according to our cloth. As the military budget is not put to the vote of the Assembly, it is all the more necessary to keep a watchful eye upon it.

In the past our industrial development had been sorely neglected. A change, a very welcome change indeed, has been of late discernible in the policy of the Government. The country also welcomes the attitude adopted by the Swarajist Party in the Legislative Assembly and their co-operation with the Government in passing the Steel Industry Protection Bill in June last. Vastly more, however, remains to be done. The coal industry has fallen on evil days and is unable to meet foreign competition in our own market. The paper industry has a sad tale to tell. The needs of Indian Merchant shipping are crying. Our currency and exchange problems are awaiting solution. There is work, ample work for all who have an inclination to do it. Let us not forget Swaraj will not come to us in a day. It cannot be that we will wake up one fine morning to find it knocking at our doors. If India is to attain Swaraj in the near future, her vast population, regardless of creed and caste must set to work at once. Time and tide wait for nobody. Is it reasonable to expect there will be a change in the laws of nature for our sake?

Referring to the complaints of the League's temporary inactivity, the President remarked that to avoid future friction he would suggest a division of labour. He believed that if the Khilafat Committee looked after Islamic religious interests and the League confined itself to internal questions, both bodies will find ample scope for the display of their energies

On the subject of communal disturbances the President appealed to them to address themselves to remove the tension, and said "Fellow-members, let me tell you that, serious as the situation is, it would be cowardice on our part to wring our heads in despair. Are we going to permit ourselves to be deflected from our course? If we do, we will be false not only to ourselves but to countless generations yet unborn. And what verdict will history pass on those who are never tired of preaching that Hindu-Moslem unity is an impossibility? I shudder to think of that verdict. Pray do not consider that I am minimising the enormous obstacles and the prodigious impediments with which our path is beset. But will then descendants of the great Arabs, in whose path neither sea nor mountain was a barrier, and the followers of a religion which came into the world to cement distant countries with bonds of universal brotherhood, get terrified by the ghost of the Hindu-Moslem strife? No, and a most emphatic no! The days of the ill-fated Hjrāt are over, let me hope never to return. India is as much our Motherland as that of the descendants of the illustrious Brahmins of the Sacred Vedic age. If the flames of internal dissensions are not to envelope and consume both communities, they must find means to live in peace. I know that feelings are running high on both sides. Let us at once address ourselves to removing the tension. And in this connection I cannot help saying a word about the mentality of a certain type of the educated man. Fellow-members, it is so easy to put the blame on the ignorant masses. But can we honestly say that he is wholly free from guilt? The calculating politician does not, as a rule, strike the match. Perhaps he is hundreds of miles away when the explosion actually takes place. But are you quite sure that he does not help in the process of making the material more inflammable? He is the leader of the hapless masses in the sense that he knows when it suits his purpose, how to put them on the wrong path."

#### The Shuddhi and Sangathan Movements

"No sane man can question the right of the followers of any creed to extend its sphere by all legitimate and proper means. But it is open to serious question whether the Shuddhi movement was not launched at a highly inopportune time and whether the methods employed were not of a questionable character. Had it not been for the existing communal tension, I would certainly have considered it necessary to say more about it. As it is I would draw the earnest attention of its authors to re-examine their position in the light of the recent occurrences, and would appeal to them not to hesitate in abandoning or relaxing their efforts if they find that their past activities have operated to aggravate communal dissensions. The Sangathan movement suffers from bad fellowship. Had it not been a twin sister of the Shuddhi propaganda, there was much in it which would have appealed to patriotic Indians. Perhaps it is not yet too late to rescue it from the jaws of

the Shuddhi movement. If the better mind of the country wish to direct the energies of the members of the Sangathan into anything like useful channels, I agree with Pandit Moti Lal Nehru that its membership should not be confined to one community but that both Hindus and Mussalmans should be its members. In my judgment, however, it would be more advisable to drop it till communal relations are placed on a more solid and harmonious footing. The justification for the continuance of the "Tanzin" would automatically vanish with the disappearance of the Sangathan.

### Congress-League Compact

On the subject of the Congress League Compact of 1916 and the proposed revision of it, the President declared

"One hears so much and so often about the Congress-League compact of 1916 that you would perhaps like to know the views of one who, as one of the representatives of the All-India Moslem League, was closely associated with it from beginning to end. Fellow-members, let me assure you that your representatives, including myself, have no reason to be ashamed of their performance. Only those who have been in the thick of the battle fully realise the difference between the India of 1916 and the India of 1924. However dissatisfied our community to-day may be with some of its provisions, it must be acknowledged that in 1916 it enacted a new era in the history of the Indian constitutional advance. And if we desire it to be revised, we should remember that it always takes two to settle a dispute. The great objection urged against the compact is that it offends against all principles of justice and fairplay in that it does not secure to the majority community in the Punjab and Bengal its due. I am prepared to confess that, though a party to it, I must admit the force of your argument. If the other party had faithfully abided by its terms I would have found myself in an unenviable position, and strong and just, though the complaint of the Punjab and Bengal is, I would have had considerable hesitation in pleading for a reconsideration of its terms but it seems that our Hindu fellow-countrymen are no more enamoured of it than many of the Musalmans.

The question of a revision cannot be delayed long. With the experience of 1916 to guide us, it must be borne in mind that once you open a settled question you are overwhelmed with requests, demands and ultimatums on all sides. Be that as it may, I think the desire of a majority to come into its own is worthy of serious consideration. If the Musalmans in the Punjab, and possibly in Bengal, get what they want, will it be necessary to revise the proportions laid down for the Moslem minority in other provinces? I will be the last man to put forward any proposals in the spirit of—heads I win tails you lose. A compromise is hardly worth the name if one party has everything to gain and another party everything to lose thereby. A dispassionate consideration will, however, show that by righting the wrong done to the Punjab, and perhaps Bengal Musalmans in 1916 and adhering to the pact in other respects, the Hindu Majority in other provinces will not be prejudicially affected. Indeed, it will have no effect whatever on such majority. Considering the matter from an

All-India view-point, it is up to the Mussalmans to compensate the Hindus for the loss of a few seats that will be transferred from the latter to the former in the Punjab and may be in Bengal. That loss can be made good by making adequate provision for Hindu representation in such provinces as Beluchistan, Sind and the North-West Frontier Province. It is to be hoped that a Legislative Council will soon be established in the North-West Frontier Province. And may I here appeal to the Government to lose no time in granting to this Province the reforms recommended by the North-West Frontier Enquiry Committee? There is, however, another direction in which the Mussalmans may be able to meet the wishes of their Hindu compatriots. The well-known proviso in the pact of 1916 says — "No bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution." Very great value is naturally attached to this safeguard by the Moslem community. I have no right to assume that my community can be induced to accept a modification of this most valuable right. In these democratic days, constitutional safeguards afford the greatest protection to minorities. So great is the need of such safeguards that the Allied and Associated Powers at the Paris Peace Conference came to the conclusion that it was absolutely necessary to protect the minorities in Poland, Czecho-Slovakia, Serb-Croat-Slovene State, and Rumania by inserting a provision in the Treaty made with those countries.

"It is not perhaps necessary the quote from the terms of the Treaty to show in what manner special protection was afforded to the minorities. The simple point is that the foundation of democracy is and should be mutual security. Viewed in this light it is hardly possible to realize at this somewhat early stage what important part the proviso is going to play in our future constitution. But so far as my personal views are concerned, I am prepared to consider a revision of its terms if a satisfactory settlement is come to on Moslem representation in the Provincial Councils. I take it that whatever decision is arrived at by mutual consent will be equally applicable to all local bodies."

#### Conclusion

Concluding Mr. Raza Ali said — "Fellow-members, our path is long and devious and we shall have to tread weary steps before we get to the goal. For sometime the stars have been fighting against us in their courses, but there is no cause for alarm, much less for despair. Remember the clouds are darkest before dawn. Already there is a streak of light above the horizon if one will only care to see. Whatever might be the obstacles in our way, a common bond unites all of us who have started on the march towards the goal and that bond is the service of the Motherland. Ennobling and inspiring sentiment has fired the imagination of us all. Worship of the motherland has brought to her altar the philosophical Brahman, the brilliant Bengali, the vigorous Mahratta, the sturdy Sikh, the refined Indian Christian, the cultured Zoroastrian and the austere and undolorous Mussalman, yes, even to the Mussalman this new worship is no idolatry".

## Resolutions Passed

The League reassembled next day to pass resolutions. The first two expressed condolence at the loss by death of prominent Indians.

### Reforms in Frontier Province

Shahibzada AFTAB AHMED KHAN then moved —

"That the All-India Muslim League strongly urges upon the Government the immediate and paramount necessity of introducing the reforms in the North-Western Frontier Provinces of India"

The mover in a short Urdu speech said that if they organised the North-Western Frontier properly they would lay broad and deep the foundations of a real Indian defence

Mr. MAHOMED ALI, who was received with loud and prolonged cheers, in supporting the motion warmly acknowledged what Sahibzada did to India and to his community to work for their uplift in unison with men of the speaker's own way of thinking (applause) and assured them that he and his friends would be glad to work with him in the cause of Indian freedom and Muslim uplift. If he had his own way, said Mahomed Ali, he would not support the resolution but move an amendment that those parts of the Frontier Provinces which did not by right belong to India but were really part of the territories of the people across the Indian border which lay on the other side of India should be given back to those people (applause). He pointed out that the condition of slavery in which the non-regulation Provinces in North-Western Frontier existed at present was due entirely to the fact that India was a slave nation and in order to keep India permanently in slavery, all countries lying on either side of the route to India had to be enslaved. This was true of the sea-route through the Suez Canal with Egypt and Sudan on one side and Palestine, Hedjaz and places in the Yomen like Aden on the other, which had already been enslaved or were being enslaved. All countries lying on either side of the land route from Europe to India suffered a similar fate. If a line be drawn from Constantinople to Delhi on the map of the world it would be found that at least right up to Saharanpur there was a corridor of purely Muslim people or Muslims were in a clear majority. This gave them the clue for understanding the backward condition in which the Frontier and the Punjab were purposely kept by those in power

Even when education was imparted to the frontier people, continued Mr Mahomed Ali, it was education to create in them the slave mentality which, he said, was a destructive feature of Indian Education. Aristotle, said the speaker, was a Greek but few knew that the philosophy, Fine Arts and Literature of Greece were built on the foundations of the slavery of others which gave to the Athenians the leisure they needed for the development of their literature, philosophy and arts. The speaker then quoted Aristotle who defined wisdom as of two kinds namely, the higher wisdom of the free Greeks to which there were no limits, and the lower wisdom of the slaves who had been given just enough intelligence to understand and obey the orders of free Greeks. Proceeding Mr Mahomed Ali said that even the education imparted to the Frontier men was calculated to give them not the initiative of the British but to produce just enough intelligence in them to believe that the British alone were fit for ruling, and to further believe that their orders should be obeyed! (Laughter and applause.) "It is our own support of the British in subduing other Asiatic people like those of Baluchistan and the North-Western Frontier and of Nepal"

declared Mr Mahomed Ali, "that is now responsible for Baluchi and Gurkha soldiers shooting down Indians at Jallianwalla Bagh" "It was their Karma", he added. Continuing, the speaker said that if the frontier men or those across the border were not as peaceful as Indians would wish, it was because they had created insecurity in their minds about their freedom. For his very existence the frontier man and the borderman must be a soldier at present. He could not devote himself whole-heartedly to the arts of peace and to industry. The British policy of penetrating into the country of those non-Indians had contributed to ever increasing military expenditure and to consequent starvation of India and her education and industries, yet it gave no peace to Indians on the Frontier, and Kohat too was a symptom of the same disease. A far better policy in the speaker's opinion would be to reduce the Indian Military Budget and to send Mr Gandhi, Mr Das, Mr Motilal Nehru and other leading Hindus together with Mr M A Jinnah, Syed Raza Ali and other Muslim leaders to exchange assurances with the people across the border in Afghanistan and in the Frontier Provinces as well (Prolonged Cheers). Once these people were convinced that India had no designs on their independence and once India conceded the right of self-determination to the people of the Frontier Provinces, they would see the end of over half the internecine quarrels in the Frontier Provinces. If we cannot let the men across the Indus to have choice of Indian or Afghan citizenship, concluded Mr Mahomed Ali, and if we must keep them, like ourselves, the slaves of Britain, the least we can do is to ask our common masters, the British, to concede them the same rights at least as to the slaves in the major Provinces of India. (Loud and prolonged cheers and cries of Alla-ho-Akbar!)

The resolution was put to vote and carried unanimously.

#### The Wakf Act

The League then resolved that such Provincial Government as had not yet enforced the Musalman Waqf Act should do so without further delay.

#### Indians in Africa.

Mr Hussainbhoy LALJI moved a resolution on the position of Indians in South Africa and Kenya and urging the Government of India to take necessary steps to right the grievous wrongs.

Mrs NAIDU then said that it was paradoxical that millions of slaves were crying for a few thousands of their countrymen in exile. She agreed with Mr Gandhi that the only solution for Indian grievances at home and abroad lay in the attainment of Swarajya. General Smuts asked why Indians ask for rights which were denied to them in their own country. She did not support the resolution because she did not believe in appealing to the Government. Her appeal would be to her own people. The mandate that she had brought from the Indians abroad was that they in India should compose their differences.

Mr GANDHI who was present was pressed to speak on the resolution and he spoke a few words in Hindi. For the redress of their grievances, said he, they must depend upon themselves. Lord Hardinge had openly extended his sympathy in the cause of South African Indians but without any avail. The speaker regretted that Indians in Kenya had suspended their struggle and were prepared to go to Councils. To his mind the situation there demanded greater resistance. The only way to deal with the grievances abroad as at home was the attainment of Hindu-Moslem Unity and Khaddar.

## Egyptian situation.

Mr Mahomed YAKUB of Moradabad then moved . "that the All-India Muslim League condemns and deplores the assassination of Sir Lee Stack but it is strongly of opinion that the reprisals exacted by the British Government are unwarranted inasmuch as important terms of the ultimatum and action taken thereafter are unconnected with the crime, and the League strongly feels that the action of the British Government is aimed at crushing the independence of Egypt and therefore strongly condemns it"

Dr Saifuddin KITCHLEW, seconding, said that if he had his way he would not agree to condemning the murder of Sir Lee Stack because they had not before them any evidence as to why and how the murder was committed, but committed as they were no doubt to non-violence, he had no objection in condemning violence for its own sake. He drew an analogy between the state of affairs in Egypt and that in Bengal and pointed out that it was not really a question of Christianity vs Islam as some tried to make out. To his mind the plain issue was European imperialism trying to dominate over the nations of the East. The solution in his opinion lay in Indian Swaraj, but Swaraj, he said, was unattainable as long as there was no Hindu-Muslim unity. Without Swaraj for India the Eastern nations were bound to suffer.

Maulana Mahomed Ali, supporting the resolution, said that in the Subjects Committee he had pointed out his objection to the word "deplores" because they did not know under what circumstances the murder was committed. The Government were keeping their hold on Egypt and Arabia because it was necessary, as he had pointed out earlier, to keep India under subjection. The resolution was passed.

## BENGAL ORDINANCE

Mr M C CHAGALA then moved a resolution on the Bengal Ordinance identical with the one passed recently at the All-Parties Conference at Bombay. The mover condemned the Ordinance on the ground that it deprived the subject of his elementary right of public and open trial. Indiscriminate arrests of innocent and unoffending men did not add to the credit of the Government.

Mr Agha Mahomed Saifdar of Sialkot seconded. Mr. Abdul Hakim Khan of Madras, in supporting the resolution, said that the Ordinance was a challenge to the manhood of India. How were they going to reply to the challenge? They must unite and unity would be a fitting blow to the Government. Moulvi Mazharuddin further supported the resolution which was carried unanimously.

## MUSLIM UNITY.

Mr. SHAUKAT ALI then moved that the Secretary of the All-India Muslim League in consultation with several Muslim organisations in the country should bring about at an early date at Delhi or elsewhere a round table conference with a view to co-operate together and to present a united front. The mover assured the audience of the Khilafat Committee's co-operation and asked other bodies to come forward.

The resolution was carried.

## MUSLIM REPRESENTATION.

Mr M. A JINNAH then moved his resolution appointing a Committee to formulate the Muslim demand regarding representation of the Muslim community in the legislatures of the country and in other elective bodies and their due and proper share in public service, with power to them to confer with other political organisations and report

to the Muslim League. The Committee consists of 33 names including Sir Mahomed Shafi, M. Fazl Hussain, Maulana Mahomed Ali and others.

In moving the resolution Mr. Jinnah repudiated the charge that he was standing on the platform of the League as a communalist. He assured them that he was as ever a nationalist. Personally he had no hesitation in saying he was against communal representation. He wanted the best and the fittest men to represent them in the legislatures of the land. (Hear hear and Applause). But unfortunately his Muslim compatriots were not prepared to go as far as he. He could not be blind to the situation. The fact was that there was a large number of Muslims who wanted representation separately in the legislatures and in the country's services. This feeling led to communal differences. They were talking of communal unity, but where was unity? It had to be achieved by arriving at some suitable settlement. He knew, he said amidst deafening cheers, that his fellow-religionists were ready and prepared to fight for Swaraj, but wanted some safeguards. Whatever his view, and they knew that as a practical politician he had to take stock of the situation, the real block to unity was not the communities themselves, but a few mischief-makers on both sides. Mr. Jinnah analysed the implications underlying the subtle propaganda of these mischief-makers and ridiculed them to the great delight of the audience.

Mr. Mahomed Ali thought that more names of one party were put on the Committee, but he had no objection provided the decisions were not taken by vote. Mr. Jinnah said it could not be helped. In that case Mr. Mahomed Ali would also like to have a majority. It was resolved finally that the Committee be given power to add to its number. The resolution was then carried unanimously.

#### The Kohat Tragedy.

Maulana ZAFAR ALI KHAN then moved the following resolution —

"The All-India Muslim League deplors very deeply the Kohat tragedy and the great loss of life and property there, but it feels to be its duty to place on record that the sufferings of the Kohat Hindus are not unprovoked, but that on the contrary the facts brought to light make it clear that gross provocation was offered to the religious sentiments of the Mussalmans and Hindus were the first to resort to violence and, further, that though their sufferings were very great and they are deserving the sympathy of all Mussalmans, it was not only they alone that suffered.

"The Muslim League is not at present in a position to form judgment as regards details of the allegations published by the Government or by the members of the two communities concerned and asks the country also to suspend its judgment until a Committee on which Mussalmans as well as Hindus are adequately represented, has enquired into the whole affair and has reported its findings.

"The League earnestly recommends to the Mussalmans of Kohat to invite the Hindu residents of Kohat to return to Kohat and to settle their differences with Mussalmans of the place honourably and amicably, and the League trusts that, while the Hindus in future will avoid provoking Mussalmans, the latter will refrain from resorting to violence and would refer all disputes to the arbitration of trusted leaders of the two communities.

"The League condemns the failure of the authorities to take proper steps to prevent the Kohat tragedy and to protect the lives and property of Hindu and Muslim citizens of Kohat."

This resolution was originally intended to be moved as an amendment by Mr. Mahomed Ali to the resolution Mr. Zafar Ali intended moving



in other terms. The originally intended resolution was worded as follows —

"That the League deploras the Kohat tragedy and sympathises with the sufferers, both Hindus and Mussalmans, and while placing on record its firm conviction that Hindus started the riots in the first instance, appeals to both the communities to forget the past and to resume their old peaceful relations. The League hopes that the Mussalmans of Kohat, being the predominant element in the population of the town, will receive their Hindu neighbours with open arms."

This resolution was however dropped by Mr Zafar Ali Khan in favour of the proposed amendment which he moved as the principal motion in order to avoid controversy.

Moulvi Rafiuddin Ahmed, however, moved the dropped resolution as an amendment. Mr Jinnah, in seconding it, characterised the principal motion as illogical inasmuch as it expressed judgment in certain affairs after having asked the people to suspend judgment. Mr Chagla would vote against both the motions and the amendment as in his opinion neither of them was so worded as to make future riots impossible. Mr Shaukat Ali in a long Urdu speech defended his brother's draft. He was followed by Mr Mahomed Ali who pointed out that the resolution was drafted after great care, and related his brother's and Mr Gandhi's experiences in the Punjab and Rawalpindi. He criticised Mr Jinnah for his trying to divide the house over a very trivial matter. The amendment was lost by an overwhelming majority, while the motion was carried by a large majority, only Mr Jinnah and a few others voting against.

#### Other Resolutions

Other resolutions appealed to the Mussalmans to organise Tanzim, to take to hand-spinning, and to spread Swadeshi.

Thanks were then proposed and responded to. After garlanding and thanks-giving to the President was over, the President congratulated the Conference not only on the absence of bitterness in its proceedings, but on the distinct spirit of friendliness which should have been disappointing to their enemies. The sessions came to a close at about 11 at night

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# All-India Hindu Mahasabha.

*BELGAUM—DECEMBER 27TH 1924.*

The SPECIAL SESSION of the Hindu Mahasabha opened on Dec 27th in the Congress Pandal at Belgaum under the presidency of Pandit Madan Mohan Malaviya. The address of the President referred to the necessity of organisation of a Hindu proselytizing mission and of focussing Hindu opinion on the question of representation in the Council and the Services. He also touched on the question of untouchability and the Non-Brahmin movement. Attendance was very large and included Mr Gandhi, Mr C. R. Das, Lala Lajpatrai, Mr Shaikat Ali, Dr Mahmud, Mr Mohamad Ali, Pandit Motilal Nehru, Mr N. C. Kelkar, Mr. Hasrat Moham, Swami Shraddhanand, Dr. Moonji, Maulana Abul Kalam Azad and thousands of delegates.

Rao J. Gangadhar Khote, Chairman of the Reception Committee, said that the special session had been called to consider the position of the Hindu society both politically and socially at that critical juncture. The recent Hindu-Muslim riots and conversion of untouchables into other religions had proved the weakness of Hindus and the Hindu society. To remove these grave shortcomings the Mahasabha had been organised.

## THE PRESIDENTIAL ADDRESS.

Pundit MALAVIYA in delivering his presidential address pleaded justification for the creation of the Sabha and explained its scope. He said the Mahasabha came into existence only a few years ago. There were some who considered it a departure from the right path and thought that as a communal organisation it was likely to clash with the national organisation of the Congress. Pundit Malaviya dispelled that suspicion. It would be a shame if any Hindu opposed the National Congress. Their object was to supplement and to strengthen the Congress. The necessity for organising the Mahasabha had arisen because the Congress being a political body could not deal with questions which affected various communities in social and other non-political spheres. In this country they had more than one culture. Muslims cherished their own culture. Hindus must cherish their own and preserve it and spread it. Political problems were ephemeral, they come and go as Empires were built up and disappeared. But the culture of a people, their social institutions, their literature and art, were of durable value and must be preserved. He wished with all his heart that Hindus and Muslims studied each other's culture to appreciate each other better. (Applause) Hindus must preserve and popularise their culture as Muslims were doing. On this platform had met Hindus, Sikhs and Buddhists who had inherited a common culture. Where, he asked, could they find a common platform to unite all these factors in Hindu society except on the platform of the Mahasabha?

Referring to the recent Hindu-Muslim riots, Pundit Malaviya said he was convinced that but for the weakness and cowardice of Hindus some of them could have been averted. These disturbances had created

a situation of national importance. It was therefore a national necessity that the weakness of Hindus which had brought some disturbances about should be removed. What were the causes which brought about that weakness? Firstly, Hindus had forgotten the tenets of their religion. These must be spread. Secondly, they were physically weak. This was due mainly to deterioration in the system of marriages. Nowhere in the world marriage had been placed on a higher basis than in India where no one could marry before 25. Now they found child-widows. This state of affairs must disappear as it had weakened the community physically. To remove such social evils, where could they find a better platform than at the Mahasabha?

Then again there was the dispute about possession of the Buddha Gaya Temple. A Buddhist friend had come from Ceylon to attend their meeting. The question of management of the temple was for decision between them and the Buddhists, and where was a more competent body than the Mahasabha to deal with such questions and settle them amicably?

Then there were questions about Non-Brahmins and Untouchability. Unfortunately by the introduction of the Montagu-Chelmsford Reforms there had occurred divisions and groups where no one suspected they would occur. Both Brahmins and Non-Brahmins were inheritors of a common culture. They should have lived like brothers. Brahmins should value ability and skill wherever it was found. Indeed the Brahmin's reverence and worship of Rama, Krishna and Buddha who were not Brahmins showed that Brahmins did not hesitate to worship ability wherever it was found. He was sorry that for a few loaves and fishes of office, and even a few Ministerships which were trifles before the question of unity amongst Hindus, the split had occurred. They should rejoice in each other's happiness and strength and there was no occasion for quarrel unless a man's vision was perverted, vitiated and diseased. Was not Mahatma Gandhi a Non-Brahmin and was it not that no man had roused greater homage of the country than Mahatma Gandhi (applause)? He appealed to his Brahmin and Non-Brahmin friends to remove misunderstandings, and what better platform was there than was offered by the Mahasabha?

As for the position of the untouchables, he thanked Mahatma Gandhi for the great impetus he had given to the movement. The speaker said, leaving aside the political side of the swelling census figure, they owed a duty to their brethren untouchables who were common inheritors of their civilisation and culture and were part of Hindu Society. The Mahasabha had voted in favour of their admission to schools, permission to them to draw water from public wells, and to have Darshan at temples, but as the Mahasabha believed in non-violence and to kill sentiments and prejudices by love and not force, it had also laid down that, where this was not possible at present, new institutions, wells and temples be built for untouchables.

Continuing Pandit Malaviya said that for centuries Muhamedans had been converting Hindus and the majority of the Muslims of India were converts. Numerous Christian Missions were also carrying on a campaign of proselytisation. Hindu Shastras had also enjoined on them to spread their knowledge among others, but this duty they had hitherto neglected and only his Arya Samaj brethren had done something in this direction.

Therefore the question of having a Hindu Mission for proselytisation had become a very pressing necessity in the situation created in this country by the activities of Muslim and Christian Missions

There was another aspect of the problem which had assumed importance. The Muslim League was putting forward a demand on behalf of Muslims in the matter of communal representation in all elected bodies and services. The speaker recalled that in 1906 Sir Ibrahim Rahimtullah, presiding over the League, had indicated that communal representation would be required only for a very short time. The Lucknow Pact was later on concluded. He was entirely opposed to communal representation in national interests, but they could not give it up until Mahomedans voluntarily agreed to its abandonment. He was grieved to find communal feeling intensified by this representation. "I consider that a national Government and a communal administration are impossible. They cannot exist together. If communalism dominates the affairs of the country to the extent to which it is dominating the affairs of this land, I feel upon all consideration that it would be wrong to the country to have a full system of national Government established in India. I do not believe communalism and nationalism can co-exist. One must disappear before the other comes in."

Continuing, Pandit Malaviya said now that the question of communal representation was being raised by Muslims, the Hindu Maha Sabha's work lay in focussing Hindu opinion on this question and to voice it when anybody undertook to discuss the question with a view to reconcile the interests of both communities. Concluding Pandit Malaviya put in a strong plea for unity and asked all Hindus and Mahomedans to become Nationalists to the core.

## Resolutions

Next day, Dec 28th, the Maha Sabha met to pass resolutions. A resolution was moved by Mr Satyamurti to appoint a committee "to ascertain and formulate Hindu opinion on the subject of Hindu-Muslim problems in their relation to the question of further constitutional reforms." This was passed.

Lala Lajpat Rai was the Chairman of this Committee and three Hindu representatives from every province were elected to form it. They include Raja Sir Rampal Singh, Mr Chintamani, Raja Narendranath, Mr Dwarkanath, Babu Rajendra Paishad, Dr Moonji, Mr Kelkar, Mr Jayakar, Mr T Prakasam, Mr. Satyamurti, Mr. C R Reddy, Mr. Karandikar, Rai Yatindranath Chowdhuri and Mr Jairamdas Doulatram. The total membership is 23.

Mr. SATYAMURTI explaining the scope of the resolution said that it was for the first time giving a distinct political orientation to the activities of the Hindu Maha Sabha. The Sabha would not only be confined to the social and religious uplift of Hindus, but would also focus and express Hindu opinion on political problems. In fact, at the present stage of political evolution of the country the best contribution Hindus could make to the commonweal was by organising themselves politically, openly and deliberately. To-day the fact was that Hindus, though strongest in numbers and the inheritors of a great civilization and doing everything which made for culture, were the weakest and the most disorganised. He

believed after his enquiries in Malabar that the extent of the Moplah rebellion was largely due to Hindu cowardice and that despite all pious resolutions Hindu-Moslem unity would not be achieved unless Hindus organised themselves, reclaimed untouchables, and all stood shoulder to shoulder (applause). The distressing fight between Non-Brahmins and Brahmins for loaves and fishes would stop if Hinduism was revived and all knew that they had equal rights as Hindus. Some said that the organisation of the Maha Sabha was creating distrust among Muslims. There was no ground for this suspicion. On the other hand, the Hindu Maha Sabha would set an example that communalism could be reconciled with nationalism. "We shall be showing how we can produce nationalism out of our communalism. We shall be showing to various organisations in India how to subordinate communalism to a higher, nobler and more inspiring ideal of nationalism". There was the question of communal representation. It was an evil day for India when they agreed to this form of representation. The Lucknow Pact was an unfortunate blunder. It sowed the seed which had now resulted in all Muslims, Non-Brahmins, Depressed classes and other communities demanding separate representation. All wanted to promote the interests of their communities but none cared for the nation. Of course they could not give it up until the Muslims agreed. It was thought by its framers that the Lucknow Pact was the last word of the subject. Now the demand was put forward for its revision. He was glad to find that Dr. Kitchlew as President of the Khilafat Conference had favoured a mixed electorate which would remove the greater part of the evil of to-day. The Maha Sabha must formulate the Hindu demand on the matter of such representation and the proposed committee would tour all over India and report. The Congress did not express that Muslims, he said, at the recent occurrences had roused the communal feeling of Hindus and unless progressive leaders led it in the right direction there was the danger of the Maha Sabha falling into reactionary hands who might stand in the way of national progress.

#### Nepal's Independence.

The next resolution moved from the chair expressed deep satisfaction on the recognition of independence of Nepal by the British Government. The Conference also congratulated the Maharaja of Nepal's Government for its noble decision to completely abolish the system of slavery in his kingdom. The President was authorised to send the resolution to the Prime Minister, Nepal. Pandit Malaviya said Nepal was now the only independent Hindu State in the world and they should therefore rejoice at it. The resolution was carried.

#### Kohat Riots.

Mr. T. PRAKASAM moved a long resolution about Kohat. It expressed grief at the loss sustained by Hindus and Muslims in life and property, the burning of about 473 houses and shops, the desecration or destruction of many temples and Gurdwaras which compelled the entire Hindu and Sikh population to leave Kohat and to seek shelter in Rawalpindi and other places in the Punjab. The resolution stated that though local authorities were previously informed of the impending danger, they failed to take steps which were necessary to prevent the disturbances and, after it had begun, to quell it, to arrest offenders and to recover

looted property, though they could have easily nipped the evil in the bud with the help of a small force of non-Mahomedan sepoys or soldiers from the adjoining Cantonment. The Conference thought that the local administration had shown lamentable want of sympathy with the sufferings of penniless and homeless refugees and had been incompetent in dealing with the situation which largely accounted for no reconciliation having been brought about so long between Mahomedans and Hindus of Kohat. The Conference regretted that the Government had accepted the findings of a junior Magistrate on a matter of such grave importance who did not examine Hindus, and that they arrived at conclusions on such findings which were grossly unjust to Hindus.

'The Conference opines that the character of the occurrence demands an independent public enquiry by a committee which would command public confidence and would recommend measures necessary to restore the sense of security among Hindus and compensate them.

'The Conference regrets that the Frontier Government has coerced prominent Hindus of Kohat by arresting them to agree to reconciliation without satisfactory terms being settled, and on the failure of negotiations for which representatives of Kohat Hindus say they are not responsible, it has ordered the arrest and re-arrest of a number of prominent Hindus and Sikhs.

'The Conference urges the Viceroy to release these men of position on bail and to transfer their cases for trial to the Punjab. The Conference appeals for subscription towards the Kohat Refugees' Fund to be remitted whether to the Punjab National Bank, Lahore, or to the Central Bank of India, Lahore, towards the Hindu Sabha Kohat refugees Relief Fund."

Mr. Prakasam narrated his experience of Hindu-Moslem riots in various places like Multan and Saharanpur which he had visited. After Kohat he saw no alternative but to join the Mahasabha.

Lala LAJPAT RAI speaking on this resolution made general observations about the position of Hindus, their past greatness and present degradation. He said he had travelled over almost all countries of the world where modern civilization flourished and after close examination he had come back with the conviction that Hindu culture and Hindu ideals were infinitely superior to that of any other nation in the world. This did not mean that Hindus to-day were praiseworthy. Hindus had totally degraded themselves and fallen from their ideals and it was because of that that tragedies like Kohat were befalling them. He said the Hindu code of war prohibited attack on children, on women, on the aged, on the unarmed and on the non-combatant. The laws of wars of no other nation were so high. Culture was not judged by wealth or by weapons at the command of a nation, but by its ideal of humanity and its human laws. In this respect the Hindu civilization was the highest and it was this civilization which they inherited, but from which they had fallen. Hindus with a feeling of chivalry and justice were prepared to be quite fair to all communities.

Touching Kohat he asked whether, even admitting that Hindus were at fault, their fault was such that it deserved the punishment inflicted on them. Turning his face towards the dais where M. Gandhi was seated, he said he did not mind whatever concessions Mahatma Gandhi

and others showed to the Muslim community That did not hurt him, but he appealed to Mahatma Gandhi and others to save Hindus, the inheritors of a great civilization, from the death which threatened them.

Swami SHRADDHANAND said the blood of Kohat had shaken Hindus all over. The time was not for talk but for work. He for one had decided to go and for a month to spread the beds of Kohat refugees and serve them thereby. Impassioned appeals were made by him and Lala Lajpat Rai for funds for relief to which many responded.

#### Other Resolutions

Pandit Malaviya put several resolutions from the chair which were carried. These included a prayer to the Maharani of Travancore to permit the untouchables the use of public roads about which Vykom Satyagraha was going on, because those roads were already open to men of other religions and to those untouchables who had become converted to other religions.

Another resolution condemned the 'Gulbarga riots and hoped the Nizam would ensure protection in future and build the temples desecrated.

One resolution urged Brahmins and Non-Brahmins to remove mutual misunderstandings and to become united as part of the Hindu community, brothers in the inheritance of a great culture.

A resolution moved by Dr Moonji asked Hindus to start Hindu Sabhas all over the country with a view to improve themselves socially and religiously and also to safeguard their political rights.

A resolution was also passed by the Conference offering condolence on the deaths of the Maharajah of Travancore, Sir Ashutosh Mukerjee, Sir Subramania Iyer, Mr Kanhayalal and others.

#### Hindu Organisation.

The following resolution was passed endorsing the view taken up by the Maha Sabha at the previous Benares and Allahabad sessions —

"Resolved that this Conference supports the resolutions passed at the Benares and Prayag sessions of the Hindu Maha Sabha and appeals to all Hindus —

(1) To work, so far as it lies in their power, in friendliness and harmony with the other communities in all matters of common national interest,

(2) To promote both religious and secular education among boys and girls of all classes of the community combined with the due observance of the time-honoured system of Brahmacharya and physical culture,

(3) In any event as a rule not to perform the marriages of girls before the age of 12 and of boys before the age of 18,

(4) To organise Samaj Seva-Dals or Social Service Leagues for the service of the community which should co-operate whenever possible with members of other sister communities in maintaining peace,

(5) To study the Hindu language and specially the Nagari characters in which all sacred Hindu scriptures are primarily written,

(6) To take every lawful step to protect laws,

(7) To promote the use of Swadeshi cloth and preferably of hand-spun hand-woven Khaddar,

(8) To organise rathas and satsangs in every Hindu Mohalla or ward for religious instruction,

(9) To take all reasonable steps for the education and uplift of those Hindu brethren who are regarded as the depressed classes,

(a) By encouraging the admission of their children to public schools which are open to other children of the followers of other religions also and, when necessary, by establishing separate schools for them,

(b) By removing, with the consent of other residents of the locality, the difficulties in the way of the members of the depressed classes from using public wells and when necessary by having special wells dug for their use, and

(c) By appealing to the adhikaries or managers of temples to offer them, when it may be feasible in conformity with the "maryada" of the institutions, opportunity for gratifying their laudable desire for Devadarshan

The Conference also draws the attention of the Hindu public to those Shastric authorities according to which no 'Sparshadosh' is incurred on the occasion of pilgrimage, festivals, marriages on boats during war and similar other occasions

Pandit Madan Mohan Malaviya mentioned that he had received a suggestion just then that a committee be appointed to consider the Brahmin and Non-Brahmin dispute and another suggested that they should express their opinion about the Madras Religious Endowments Bill. Pandit Malaviya and Mr. Gandhi were about to meet in the pandal. These questions would be discussed at the normal annual session of the Maha Sabha next March at Calcutta

The Conference then concluded amidst cheers.

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# The All-India Khilafat Conference

*BELGAUM—24 DECEMBER 1924*

The Eleventh Session of the Khilafat Conference was held at Belgaum in the Congress Pandal with Dr Shaifuddin Kitchlew as President and Moulvi Kutub-ud-din as the Chairman of the Reception Committee. About 300 delegates attended while a large number of Congressmen were present.

## Dr Kitchlew's Address.

In the course of his Presidential Address Dr Kitchlew reviewed the history of the Khilafat and how they came to adopt Non-co-operation after all constitutional methods had failed. He ironically referred to the attempts in 1921 of Pandit Malaviya to arrange a Round Table Conference and bring about an understanding between Lord Reading and Mahatma Gandhi which, however, failed at the time. When Non-co-operation was at its height it was brought to a dead halt by Mahatma Gandhi at Bardoli. In the meantime the spark had been lighted in the Punjab and other provinces in a conflagration. Mian Fazl-i Hussain's policy was undoubtedly the cause of this Hindu-Muslim dispute. Though the speaker did not favour Mian Fazl-i Hussain's policy of co-operation and consequent opposition to the National Programme, he felt bound to declare publicly that Mian Fazl-i Hussain was only trying to do justice to the Muslim community. Leaders like Mr C. R. Das, Pandit Motilal, Mr Chintamani and lately Mahatma Gandhi had examined the Mian's policy and were satisfied that it was just. Dr Kitchlew declared that the Hindu agitation in the Punjab was selfish and unjust. In the last election, the Swaraj Party of the Punjab really became the Hindu party of the Province in the Council. At this time when feelings between of Hindus and Muslims were becoming strained, Pandit Malaviya started the Sangathan movement and Muslims, therefore, organised a counter movement. The real cause of trouble in the Punjab was, however, economic, because the entire trade and the majority of the services were in the hands of Hindus.

In his opinion a solution was easily provided if they observed the following, namely, that all elections should be arranged on a population basis, the electorate be mixed, there should be no special representation, the majority community should never be reduced to a minority and recruitment in services be gradually made on a population basis subject to the requirements of efficiency. The Lucknow Pact, he said, should be burnt. Special protection to minorities should take the form of a provision that when a question affected a minority, a two-third vote should decide the question.

As for Kohat riots, though they were due to Hindu firing, he hoped Kohat Muslims would welcome the Hindus back. Dr Kitchlew strongly pleaded for support to the Sikhs and urged Khilafatists to make the Sikh issue their own.

Touching questions of Islamic interest, he said that though the original ground on which the Khilafat movement was based had shifted, the question of election of a Khalifa by a World Muslim Congress was of vital importance. He wished further successes to Abdul Karim in Morocco. He wanted Indian Muslims to await the report of their delegation to Hedjaz and not to believe propagandist reports about Ibn Saud. He condemned the British action in Egypt, and hoped that before long Egypt would recover its independence. Generally, however, he was glad to find that Islamic countries outside were improving their position, and would the Muslims of India lag behind?

[At this stage the Conference adjourned till the next day when Dr Kitchlew concluded his address.]

In the concluding part of his address, Dr Kitchlew laid out his scheme for the improvement, economic, social and educational, of the Muslim community. He would make mosques the centres of learning and would insist on industrial schools for the uplift of his community. Muslim Banks and Co-operative Bank Societies should be organised to finance this scheme. He urged particular attention to be devoted to the production of Khaddai and emphasised that this programme was not a counter-part of the Sangathan movement or Swaraj. He said the headquarters of the Central Khilafat Committee should be transferred to Delhi and Khilafat Committees re-organised and multiplied. The movement of Tanzim should form an essential part of the work of the Khilafat Committee. Otherwise these committees might be dissolved and others organised. The speaker made clear that the platform of the Khilafat was open to all Muslims, whether Co-operators or Non-co-operators, and that Khilafatists did not want to boycott those Muslims who went into the Councils. Differences of opinion among them on political issues should not deter them from joining the Khilafat platform or push through the scheme of Tanzim.

Dr. Kitchlew regretted to find that Muslims were not taking the same interest in Congress as they used to do recently. He appealed to all Muslims to join and support the Congress. He referred to the approval of the Bengal Ordinance by the Labour Party as showing that nothing could be expected from any political party in England. Indeed he welcomed the Conservative Government because it made no secret of its professions.

## RESOLUTIONS

The Conference passed resolutions, all standing, lamenting the sad deaths of Bi Amman and Mr. Abdul Majid Shariar.

Mr. Zafar Ali moved —

“This Conference condemns the outrageous action of Great Britain in Egypt and Sudan and assures their Egyptian and Sudanese brethren that Indian Mussalmans consider their calamity as theirs and are fully sensible of Islamic duties imposed upon them in this connection.”

Mr Zafar Ali showed how Mahomedans were consolidating their position in Morocco, Persia and Hedjaz. He trusted that Egypt would soon recover its independence and that British action would fail here as they had failed elsewhere against Muslim countries. They could not expect support from any European country because France and Italy were

offenders in this respect against other countries whose freedom they had crushed.

Mr Syed Murtaza, M. L. A. seconded the resolution and Safdar Ali emphasised that Egypt was being enslaved in order to maintain the British hold on India. Therefore unless they freed India they could not free Egypt. He thought Sir Lee Slack was himself responsible for his own murder. Why should he have gone there to enslave Egyptians? The resolution was passed amidst cries of *Alla-ho-Akbar*.

#### Moroccan Situation.

"This Conference offers its warmest congratulations to the heroes of the Riffs, who under their gallant and intrepid chief, Ghazi Amir Abdul Karim, have so bravely defended their liberties and by their glorious feats of arms have filled the world with admiration and astonishment.

"This Conference condemns the unrighteous and wanton attack of Spaniards on the Riffs and the barbarous atrocities committed by them during the course of the war.

"This Conference further warns England and France that any attempt on their part to deprive the people of the Riffs of the fruits of their hard-earned successes and to crush their liberties, as is foreshadowed in the recent utterances of their Ministers, will be treated as an act of hostility towards the Muslims of the world.

#### Other Resolutions

The Khilafat Conference continued its session on the 26th. The first three resolutions were on questions of Islamic interest. They were put from the Chair and passed without discussion.

One resolution authorised the Central Khilafat Committee to arrange for representation of Indian Muslims on the World Muslim Congress.

The second resolution expressed concern at the steps taken by Emir Ali in stopping provisions and supplies to Mecca and sorrow at the privations and hardships caused thereby to the inhabitants of the sacred city. Emir Ali's action was characterised as both inhuman and un-Islamic, which can only result in intensifying the opposition of the Islamic world to him and to his family. The resolution also opined that the action of Emir Ali was likely to furnish non-Muslim powers with the pretext to interfere in their affairs to protect the lives of their subjects.

#### Britain and Hedjaz.

The next resolution passed ran —

"In spite of declarations made by the British Cabinet from time to time, this Conference considers it necessary to give expression to the anxiety of the Muslims of India at the sudden increase in the military resources of Emir Ali, the recruitment for the army which is taking place in the part of Palestine occupied by the British, and the presence in Emir Ali's camp of a number of British military officers, which facts lend strength to the impression that Great Britain is secretly helping Emir Ali.

"This Conference once more wishes to make it clear to the British Government that the Islamic world will not tolerate any kind of

interference by any non-Muslim power in the affairs of Hedjaz, no matter under what pretext it is made, and will hold Great Britain responsible for all the consequences of any attempt to do so."

A lively debate ensued on Mr Mahomed Ali's resolution stating that the boycott of foreign cloth was indispensable for the attainment of Swaraj and making it obligatory on Muslims to universalise Khaddar and wear it. Speaking as a Muslim, he believed that its adoption was the only way to save Islam. He said when some years ago he went to Europe at the head of the Khilafat Delegation, he met prominent Turks in Rome. They asked him what purpose it served in their coming to save Islam now when Indian Muslim soldiers had themselves helped in enslaving Islamic countries. He was further told that instead of his going and appealing to Mr Lloyd George and the French Premier, he should go and liberate India because it was to keep India enchained that Britain was enslaving other Muslim countries on the way. If India was free other Muslim countries would also be free.

Mr Mahomed Ali then explained why he considered that the Charka provided their only salvation. He said India lived in villages where peasants spent their meagre means to buy Manchester cloth. It was necessary that the educated people should take to the Charka so that the uneducated may follow the lead and revert to the Charka. Indeed, he wanted them to become Charka-mad. Not only violence was not possible, because they had no weapons to fight with, but it would be ridiculous for a nation of 320 millions to win Swaraj by the sword from only a lakh of Britishers.

Mr Hasrat Mohani opposed the obligatory provision of the resolution. He had no faith in the Charka as a means for Swaraj to India and did not believe that the loss of some crores over this trade would affect in the least a nation which crushed Germany. A speaker replying to Mr. Hasrat Mohani pointed to the stir caused in Manchester three years ago. Moulana Azad supported Mr Mahomed Ali. After some further discussion the resolution was eventually modified to the effect that while retaining the provision for the compulsory use of Khaddar, it permitted the use of Indian mill cloth if Khaddar was not available. The amended resolution was then passed unanimously.

The Khilafat Conference concluded its session after passing three more resolutions condemning the Bengal Ordinance, supporting the resolution of the All-Party Conference and forming a scheme of Tanzim. It further expressed satisfaction at the disappearance from Mecca of Sheriff Hussain and his family, appreciated Ibn Saud's declarations to leave the decision about constitution of the Government of Hedjaz to a Muslim World Congress, and opined that Hedjaz should be ruled by a strong republican democratic Government.

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# Indian States' Subjects' Conference

*BELGAUM—30TH DECEMBER 1924.*

A political meeting of the Subjects of Indian States was organised in Belgaum in Congress Week to ventilate the grievances of the subjects of those States and seek reforms. The Conference was to the Indian States what the National Congress is to the people of British India. It was presided over by Mr N C Kelkar of Poona and was attended by many delegates. The President, Mr. Kelkar, in the course of his address said —

## A NEGLECTED QUESTION.

The condition of the Indian States' people is an neglected question and I say so advisedly. It is suffering from a three-fold neglect. The British Government neglect it on the technical and plausible ground that they ought not to interfere with the liberty of administration granted by treaty or custom to Indian Princes and Chiefs. The subjects of Indian States themselves neglect it because they have no capable and self-sacrificing leaders, and also because they come face to face with repression within very close limits as the result of any political movement. But an equally marked and yet more inexcusable neglect is that shown by the National Congress.

We need not wonder at the British Government turning a blind eye and a deaf ear to the condition of Indian States. For their own pleasure and interests coincide with the seeming observance of obligations to political friends and allies. Are not Indian States happy hunting-grounds to high-placed English officials, both in a literal and metaphorical sense? A pearl necklace or a set of beautifully carved ivory furniture is as apt as a pair of lions to fall to a sporting European adventurer in an Indian State. The resources of Indian States are really more unreservedly at the service of the Empire than those of even British subjects. Are not the backward Indian States a good background for the achievements of the civilised British Governments to shine upon? Why should they not let the sleeping dogs of rights of States' subjects lie as they are? It is enough for them, the trouble and worry they have on hand already about the Swarajya movement in their own territory!

The plea that the British Government cannot interfere with the freedom of administration of their political friends and allies must be taken with a big discount. This is straining at a small constitutional gnat when whole non-constitutional camels are easily swallowed. It is an illustration of the sarcastic saying "DIVA KAKARUTAT BHITA RATHRAN THARATHI NARMADAM." The prudish coquette in the parable affected horror when at full noon she heard the croaking of a crow as if she were alarmed by the presence of an unannounced stranger in her bedroom. But she had no scruple and had all the necessary courage to swim across the broad waters of the Narmada river at dead of night to meet her lover. In the same manner, the paramount Government refuses to openly entertain complaints of Indian subjects about mal-administration in Indian States, but in secret it can do any number of unrighteous things towards their rulers in their own interest. Treaties in black and white can be misconstrued and given an undreamt of meaning. Novel doctrines of lapse and escheat can be introduced at

will in practice. The Hindu right of succession to Gadi by adoption can be withdrawn. Disadvantageous conditions can be imposed upon a minor Prince as the price of his investiture with full powers of administration on his attaining the technical age of majority. Land in Indian States can be acquired for foreign railway companies at a nominal price, and their rivers can be bounded so as to deluge whole villages in State territory in order that irrigation canals drawn from them may benefit the British rayat and add to British revenues. Licenses may be acquired for foreign capitalists to dig out and export rich mineral resources of Indian States on payment of a nominal royalty. The States can be subjected to the loss of profits of coinage in the name of commercial convenience, and easy bargains can be driven with them in respect of purchase of special monopolies.

#### [LOT OF INDIAN PRINCES.

As for the personal treatment of Indian Princes, one can only imagine what may happen behind the parda when the gulls, the cowards, the simpletons, among them come face to face with political officers accomplished in statecraft in its seductive aspects. Even the more spirited among them have tales to tell of how they fared under the rack or, the thumb-screw of a haughty tamer on occasions of evil memory. Surely the meanest among British subjects may have in many cases a more enviable lot as compared with Indian Princes, when we take into consideration the dilemmas with which their path is beset, owing to their vested interests on the one hand, and the sneaking subtle coercion of the political department on the other. We can wickedly hope that those secret sufferings of the Indian Princes may reveal to at least some of them, by the principle of *ATMOUPAMYA* that is to say, realisation by parallelisms, the miserable plight of their subjects under their own autocratic rule.

#### THE NARENDRA MANDAL

It was hoped that the establishment of the Chamber of Princes or Narendra Mandal would result in a suitable expression to the duties as well as the rights of Indian Princes. But while the Princes have not been able to use the new machinery to successfully assert their own rights as against the paramount Government, the latter in their turn have failed to address a single word to the Princes in the matter of their obligations towards their subjects. The Chamber of Princes has proved nothing better than a gilded lounge or a political smoking room. It is a Chamber which is locked for years together, is then opened only for a brief while, and even then the discussion of fundamental or radical questions is given the entire go-bye. The Narendra Mandal is a good old classical name. But it signifies for the present nothing more than its anachronic character. Its constitution is yet unsettled. Some of the biggest Indian Princes still consider it beneath their dignity to sit in the Chamber, and the remaining chairs are filled by Princes who are either the favourite nominees of Government or are elected by pocket-boroughs. The Princes who have boycotted the Chamber are however committing exactly the mistake which was committed by the Non-co-operation leaders in the Congress. On the other hand those Princes who have sought admission into the Chamber are, with the exception of the Maharajah of Gwalior, too unimportant to take up the responsibility of fundamental questions of the relation between the Indian States and the paramount Government. Surely there are more weighty problems than horse-breeding upon which the Indian Princes should take counsel among themselves or with the British

Government. If the big Princes feel too proud to personally mix in the motley crowd of crowns and coronets, they may consider the question whether instead of a Chamber of Princes there should be a Chamber of Chancellors or Ambassadors. But personally I think the big Princes who are holding aloof from the Chamber are making a sad mistake. They should copy a page from the leaders of the Indian peoples who sit in the Councils and the Assembly and work together, though they materially differ in their wealth, status or social position. But I do not wish to dwell on this topic at any length. I sympathise with the Indian Princes and feel that their legitimate rights as friends and allies are being gradually ignored or suppressed by the paramount Government.

#### REFORMS IN NATIVE STATES.

Even apart from the Chamber of Princes, I regret to find that the Indian Princes profess to be free from all obligations to their subjects in respect of the grant of real Representative Political Institutions. Even the enlightened leader of the Chamber, I mean the Maharajah of Bikaner, is seen to draw a subtle distinction between the rights of the people in British India and of the people of Indian States in respect of Swarajya. His contention may be true that in the Indian States there is more Home-Rule than is generally supposed, but that is only so far as the indigenous or native character of the agency of Government is concerned. But in respect of institutions which may voice the opinion of the subject people, the claim must be disallowed. In that respect in British India we have certainly made greater advance, for the theory of personal Ma-Bapism has been completely knocked down on the head there, and our fingers are eager and struggling to clutch at the prize of responsible ministries and chancellories in the Imperial as well as the Provincial Governments. And if an enlightened ruler like the Maharajah of Bikaner can express such crude sentiments unabashed, one can imagine what must be the psychology of those other Princes and Chiefs who are still steeped in the darkness of the middle ages, who believe that they are an integral part of the Supreme Divine Being, who claim that their own breath must be the only valid source of authority in their territory and who fancy that their royal court is a handy antechamber to Paradise, through which their Divine Presence could make its entrances and exits in either of the allied regions of heaven and earth! The rebuffs, the insults and injuries which Princes receive at the hands of the British Government, might one expect have disillusioned them from the aerial fancies and land them in terra-firma. But it is, I know, a vain hope for some time to come. The Princes seem yet inebriated with thoughts of their noble birth and ancient traditions. I was amused to read, in the speech of the Jamsaheb at a recent banquet given by the Kathiawad Princes to Lord Reading, interesting stories about the ancient origin of many of those present. They were all, it seems, either direct lineal descendants from the eternal deities like the Sun and the Moon or divine incarnations like Shri Krishna or Shri Rama. Now, I do not mean to cynically cavil at the pride of ancestry displayed by the Jamsaheb. We are all proud, in our own way, of our birth and forefathers, but my amusement arises from the fact that the Kathiawad Princes, who represent in this respect probably all other Princes elsewhere, are happily ignorant that their subjects also have a divine origin. God, according to the Hindu doctrine, had to go out of his way to assume human form to be able to adequately realise himself for the purposes of this world of his own creation. Without the convenient medium

of humanity it is impossible for even divinity to express itself in certain of its aspects. Shri Krishna from whom the Kathiawad Princes claimed their origin was the son of man, was born in prison, and had to be reared up to manhood under the cover of false personation. Himself a cowerd, he mixed with the unwashed children of other cowerds. But Shri Krishna did not forget himself or his companions and friends even when he became a king and ruled over a city in which there were houses built of gold. In the Yajnya ceremony in the palace of the Pandavas, he collected the plates and washed them when the feast was over, and on the battlefield he groomed the horses of the human pupil to whom he revealed the supreme and the beautiful wisdom of the Gita. My advice, therefore, to the Kathiawad Princes is that if they take pride in their primeval ancestor Shri Krishna and would emulate his example, it can be more profitably done by imitating his virtues and his love of humanity. Otherwise the meanest of their subjects may taunt them with the bare truth that they too are chips from the same divine block.

I hope you have seen from all this that it is a vain hope for the Indian States' subjects to depend upon the British Government, and much less so upon the Indian Princes to win their freedom and their rights of Swarajya. Their first and their last resort in this matter must be themselves. It is only by their own strenuous efforts and sacrifices that they can make an impression upon their rulers as well as the outside public. Their cause stands to the general outside public, and I may say even to the political workers in the Congress and other organisations, in the same relation as the cause of Swarajya in British territory stands to the political parties in the Parliament and outside Parliament in England. Vicarious effort and vicarious sacrifice really do not count. You know the well-known Marathi saying "SWATAH MEHYA SIVAYA SWASGU DISAT NAHEE," "You have to die if you wish to see Paradise with your own eyes." Sympathy from the observing world is needful indeed. But it is only a stimulant and cannot take the place of food. I say to the peoples in the Indian States that they must take the movement for their freedom in their own hand and may then look to the political leaders in British India for sympathy and advice. I know it means suffering for them. But they should not expect to get freedom so cheap. They have too long dodged and beat about the bush by holding States' conferences outside their State territory. They should hereafter hold no conference except in their own territory, and even offer Satyagraha for this purpose if the rulers prohibit the conference. A wise Chief or Prince will generally feel inclined to grant this permission, and if so, the State people must make it easy for him to give the permission by agreeing, if necessary, to eschew from their deliberations all criticism of the British Government except such as may strictly bear on their own domestic problems, and criticism also of sister States. They must not put their ruler in an awkward or indefensible position by the discussion of irrelevant matters and irresponsible orations. The general theory of the rights of a subject people and the departmental administration in their own State ought to be theme enough for any of the most advanced views they may have to urge. And their ruler cannot possibly make a more reasonable offer to them than to offer himself and his State as a whole target for their broadside. They should remember that the Political Agent always holds their Prince in a nut-cracker. With an unreasonable Chief, however, there need be no compromise. The fundamental political rights of humanity must be asserted against him and to defy his power and authority for this limited and legitimate purpose of the freedom of speech and associa-



tion, would be not only the fittest answer to a 'sultani firman' from him, but perhaps also the best ultimate curative for his undisciplined temper. A more complicated question apparently would be the laying the venue of an All-India States' Conference in the territory of a State itself. But it is really not so difficult of solution.

#### CONGRESS AND NATIVE STATES' SUBJECTS.

And if the States' subjects make up their mind to do all this, sympathy and assistance will flow to them from all quarters in unstinted measure. I am aware that they make it a grievance that the National Congress takes no interest in their affairs. I think the grievance is legitimate within certain limits. For in my opinion while the Congress is right in excluding from its jurisdiction the discussion of the affairs of internal administration of Indian States, it is wrong in its general attitude of indifference towards States' questions even in their broad and impersonal aspects. I am aware that the Indian States are allowed to be represented in the Congress session and the Congress Government through adjacent British districts to whom they may be allotted, and that the States constituencies have exercised their rights in this respect. But the Congress goes no further. Is it unreasonable to claim that at every session of the Congress there should be at least one resolution on the subject of responsible Government in Indian States, so that one or two great leaders of the Congress may speak upon the general question, and a few of the States' delegates may incidentally refer to notable happenings in the States as illustrations? But the Working Committee during the last few years was apparently so absorbed in its own affairs that it put forward no official resolution on the subject before the Subjects Committee. Curiously enough, also, the reference to the Indian States contained in Mahatmaj's presidential address was one-sided. He rightly asked in his Swarajya-scheme for a full guarantee of their status to the Indian Chiefs without any hindrance from the Central Government, subject to the right of asylum to subjects of these States who, not being offenders against the Penal Code, may seek it in Self-Governing India. Mahatmaj's name will go down to posterity as an illustrious champion in his time and generation of the uplift of the down-trodden people of India, and surely the voiceless subjects of Indian States may well be counted under that category. It is the Congress which has put life into the dead bones of the Indian people in British India, and it is the Congress which should follow up that noble work by openly and unstintedly championing the cause of the Indian States' people.

#### RESOLUTIONS.

The Conference later passed a resolution appealing to Indian Princes and Chiefs to establish in their territories popular representative institutions with a view to the inauguration of responsible Government and calling upon the people of the States to make strenuous efforts to secure the same.

Another resolution was also passed by the Conference appealing to Congress and all other political bodies to give proper lead to the people in Indian States in their endeavours to obtain Responsible Government.

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# All-India Non-Brahmin Conference

*BELGAUM—28TH DECEMBER 1924*

The First All-India Non-Brahmin Conference was held at Belgaum on the 28th December 1924 under the Presidency of Mr. A. Ramaswami Mudaliar. This was the first time that the different Non-Brahmin organisations of South India were united into a single All-India body.

Mr. M. R. SAKHARE, Chairman of the Reception Committee, in the course of his welcome address said —“Heretofore the Non-Brahmin movement was carried on in different provinces detachedly with conspicuous success. The time has come to unite different provinces in the movement to concentrate and consolidate their forces, and to focus and formulate their opinions on a common platform. The idea of such a conference, though proposed long ago, assumed definite form when the representatives of the Non-Brahmins of different provinces met at Bombay to attend the Unity conference, and the present Conference is the result. The party was not set up by the Government. The Non-Brahmin party was not at all a tool in the hands of the Government. Co-operation with the Government always but opposition staunch and unbudging where necessary, was the motto of the party.”

## PRESIDENTIAL ADDRESS

Mr. Mudaliar, in the course of a lengthy address, first enumerated the achievements of the Madras Non-Brahmin Ministry which he summarised as follows —

“Free and compulsory education has been introduced into several municipalities, a great expansion of elementary education is in course of development, vocational training has been introduced in several of the schools in the presidency, the university has been reorganised with a view to increase its efficiency and its representative character and, while a great deal more is yet to be accomplished, what has been done thus far is a sufficient testimony of the interest evinced by the Ministers in the welfare of the masses. You are all aware how temples and mutts, endowed almost entirely by non-Brahmins, those great charities bequeathed by pious non-Brahmins, have latterly become the hot-beds of vice, corruption and ill-fame, and how the very purpose of the benefactors has been nullified. Costly interminable litigations, mutual recrimination, murder and all the ghastly crimes to which society can be subjected, have been the order of the day and to purify these ancient institutions, to render them better fitted as places of worship, to divert these charities to more fruitful channels of activity not inconsistent with the true ideals of the donors, a bill was introduced and successfully piloted.

“In the Medical, Educational, Engineering, Agricultural and Industrial Services, you have only to compare the state of affairs as it existed prior to 1920 and as it exists to-day to realise how the transformation has taken place. Another measure of great benefit has been a compre-

hensive scheme of sanitary relief, so that with an adequate staff to-day for the first time the Public Health Department is better able to cope with epidemics, with arrangements for fairs and festivals, with rural sanitation and with the improvement of the hygienic life of the masses. The extent to which the interests on the rural population have ever been kept in view will be evident from the latest scheme inaugurated to extend adequate medical relief to the rural areas. The provision of rural medical relief by State subsidy, the state recognition and encouragement of the ancient systems of medicine, the determined efforts to spread education, to open roads and communications, to give protected water-supply, to sink wells, to extend town-planning—these and many other measures may be cited as instances of how a Ministry of the people will get into touch with the people and work for the people.

### Indians in the Colonies.

"The problem of the status of the Indians in the Colonies is becoming more and more acute. England has practically to admit its impotence in restraining the racial antagonisms of its youngest colonies towards the coloured nations. Ministries have come and gone, but the disabilities of Indian settlers remain unchanged. Labour, Liberal or Conservative, whichever party is in power is unable to appreciate the psychological effect which the unconscionable behaviour of the Whites has on the Indian mind, the hideous mockery it makes of the "civis-Britannus sum," of the very idea of Imperial citizenship. One illustration of race arrogance, as in the case of Kenya, is enough to nullify all the good that may be attempted by an Empire exhibition. In the interests therefore of that very Empire of which we are desirous of forming an honourable unit, it devolves on us to find some heroic remedy for this pressing problem. And it is all the more necessary that we should address ourselves to the task because it is large bodies of non-Brahmins that find themselves to-day unsheltered and unprotected, left to the tender mercies of a General Hertzog here and a Kenya Highlander there.

I cannot here emphasise too strongly on the disastrous effects produced and the unfortunate impression created abroad, by the fact that India has become a large recruiting field for cooly labour. The very fact that such labour is got from India places the Indian at a disadvantage. The half civilised planter in the backwoods of Africa or the ranches of Australia can hardly be expected to realise that the Indian belongs to the oldest civilised races, that his culture is ancient and that the lowest of his countrymen have imbibed with their mother's milk principles which make them see with disgust some of the practices of nations claiming to be more civilised. The utterly wrong perspective in which India is viewed by many foreigners is due to the fact that their knowledge of India is derived from the indentured cooly of India. The labourer in India has a dignity and status of his own in this country and surrounded by his own countrymen he tries to live up to the noble traditions of his forefathers. If we are therefore to regain the status which we possessed a few centuries back when our Dacca Muslins were the marvel of the world, when the wealth of the East attracted every adventurer from every Western nation, when the magnificence of the Moghul, Mahratta and Vizianagar Kingdoms were the objects of envy and

despair to Europeans, if we are to wipe off the impression that India is a country where innocent babes are thrown to alligators as a propitiatory offering and the Car of Juggernaut runs over thousands of "dark skinned natives," coolly immigration ought to stop entirely and for ever whatever the consequences may be.

It seems to me that appeal to reason and all the persuasive eloquence of our Indian delegates having failed, our only resort is to retaliate and to adopt strict reciprocity of treatment. Whereas in British Guiana the White settler cannot get on without Indian Labour, he is willing to concede much, but whereas in Africa the work of the Indian is practically finished and the results are only to be reaped, the Indian is an inconvenient incubus and is not wanted. We can only force the South African to come to his senses by punishing his brother in Fiji, in Ceylon or in British Guiana, by stopping all emigration to these places. If we were to stop all emigration to Ceylon or Fiji and do not permit any further emigration to British Guiana, we may be certain that the White settlers in these places will not allow the Colonial Secretary a moment's rest till he solves the problem in South Africa or Kenya to the satisfaction of Indians.

#### Dyarchy—a Complete Failure

And with all the sweet reasonableness that we have been able to bring to bear as responsible Members of the Legislature, on the consideration of questions that constantly demanded solution, what is the conclusion that we as a party have come to? Let me say it in a few words. The system of dyarchy cannot be worked much longer and it is imperatively necessary that the system must give room for one which is calculated to give more real power to the people. It is no reflection on the noble authors of the Reform Scheme, to suggest that dyarchy as a step towards responsible self-government has not been that mighty success which at one time it was hoped it would be. The system was bound to fail because it was hemmed in by so many restrictions, circumscribed by so many conditions and narrowed down by so many limitations. The irrational division of subjects on which the whole system depended was one of the rocks on which it was bound to be shattered. The financial control which it gave to an interested Member of the Executive Council over the expenditure on both transferred and reserved subjects, the superhuman task which it imposed on a Provincial Chancellor of the Exchequer of being impartial when items of expenditure relating to his own subjects or subjects of his colleagues on the executive side came up along with those of Ministers, and the autocratic powers which the devolution rules gave the financial department at a time when it was not an independent body but a body very much identified with one-half of the Government—these were bound to dash the Reforms scheme into pieces and have done so in several provinces. Above all, the dependence of the scheme of reforms on a race of supermen who should occupy the gubernatorial ghadi if they were to exercise properly the extraordinary powers which at every stage were given to them—was calculated to make the reforms an autocratic farce.

What then shall be our remedy? How are we to get out of the morasses in which at present every well-wisher of the Government, every constitutionalist is stuck? We are told that the pace of progress

has been fixed by the Government of India Act itself, that for the next ten years no change of the constitution is possible and that we should hold our soul in patience till the Parliamentary Committee examines the working of the constitution during this period and certifies our fitness for a further advance. There are two objections either of which is in my opinion fatal to the validity of this argument. It reminds one of Shylock and the pound of flesh. Is it suggested that human intelligence is so omniscient in any field of activity that it can look a decade ahead and fix a state of society which is as unalterable as the laws of the Medes and Persians? Even those who spoke at one time of the unchanging East have realised that the expression is not so much a truism as a 'falsism'. The very preamble of the Government of India Act recognises this central basic fact and therefore deliberately avoids any attempt at making the constitution rigid and final. The nature and times of the progressive stages of the advance are to be contingent on circumstances. The new arrangements are to be temporary, provisional, experimental. Growth is aimed at, growth not a static condition. Fluidity and not immobility is the very essence of the reform scheme. The mode and pace of growth cannot be foreseen with any provision. Any attempt to fix definite periods at which further advances towards Self-government can be considered is bound to fail, you cannot give political concessions by a stop watch.

#### The Lee Commission

But has the Britisher himself accepted the immutability of the constitution? Is his conscience clear that he has not attempted to juggle with the reforms scheme, to change a rule here or a provision there to suit his own idea of how the reforms should be worked? Has he cried halt to any agitation to disturb settled facts within the period of ten years? Let the Lee Commission answer. The unanimity of Indian public opinion on the subject is so striking that it is one of the minor tragedies of the present political situation that the bureaucracy have brushed it aside and have been so obsessed by the difficulties of their servants that they have treated even the considered criticisms of Indians on this subject almost with contempt. It is well-known to all that at the time of the introduction of the Montagu Reforms very considerable revision and enhancement of salaries and other privileges were conferred on the services and the comment was freely made and could hardly be contradicted that that was one of the means by which the late Mr. Montagu was able to get some little support to this scheme of reforms. There were those amongst us who even then raised a voice of protest against the financial liabilities sought to be freely imposed in the country but our voice was a voice in the wilderness.

It is admitted by the Lee Commission itself that when the recommendations of the Islington Commission were examined by the Secretary of State in 1919-20 three factors were prominently before him, namely (1) the special stress laid on the increasing association of Indians in administration, (2) the new policy of progressive realisation of Self-government, and (3) the marked change in the cost of living. What then has happened in the interval to re-examine the position of the services? Has the Indianisation proceeded more rapidly than was anticipated? On the other hand, the progress in this direction has been so

slow, so illiberal, so opposed to the spirit of the Act and the promises made thereunder that the Lee Commission is compelled to recommend a greater and a more rapid Indianisation of the Services. Has the new policy regarding the realisation of Self-government been altered? On the contrary, attempts are being made to make the constitution more rigid, and to stereotype it by preventing all scope for expansion. Has the cost of living gone up and is it more than what it was in 1919-1920? The veriest tyro in economics must confess that there has been a great fall since the days of the armistice and bureaucracies here and Governments in England are not tired of issuing Government communiques showing how the cost of living has steadily gone down. What then is the compelling reason for a re-examination of the entire question? Let the Lee Commission again answer "The orders which were passed during the course of the years 1919-1920 on the recommendation of the Ishington Commission, suffered inevitably from having been based on an investigation which subsequent events were rendering obsolete",

### An Irrational Attitude

This is a candid confession of the limitations of human forethought and is it to be suggested that what was not foreseen in one sphere has been completely foreseen in another? Have not subsequent events rendered obsolete other orders of the Government? 'The best laid plant of men and mice gang agley' Why then this irrational attitude of preserving the "status quo" when any question of examining the reform scheme and scrapping the present system is mooted? As a matter of fact, by altering the rules framed under the statute, a more liberal scheme of Self-government can be granted to the Provincial Governments and no Statutory Commission need visit this country and certify our fitness for that purpose. But under the scheme of the Lee Commission recommendations even statutory changes have to be effected and it is incomprehensible how those that cry 'hands off the act' for one purpose can countenance the iconoclast for other purposes.

### The next stage

Full Provincial autonomy should be granted with the Executive completely responsible to the Legislature. That is to say, all subjects in the Provinces should be transferred to the control of Ministers and the Province should have the right to raise loans, to impose and alter provincial taxes and generally to manage all matters affecting the internal administration of the Province.

The need for obtaining the previous sanction of the Government of India regarding legislation on any provincial subject shall be dispensed with the assent of the Governor, for a bill passed by the Council being alone required.

The term of office of future Members of the Legislative Councils should be five years.

The question of lowering the franchise should be examined, but any extension of franchise should be coupled with an increase of the strength of the Council and a decrease of the size of the electorate.

A measure of responsible Government should be introduced in the Government of India.

All measures passed by the Assembly except finance bills should be approved by an Upper Chamber.

The control of the Secretary of State and of Parliament should be relaxed to the extent that responsibility is introduced in the Central Government.

The question of division and reorganisation of Provinces on a linguistic basis should be taken up immediately and settled at as early a date possible.

#### Law and Order The Bengal Ordinance.

It is generally asserted that the subject of law and order casts such onerous responsibilities on those who are charged with administering it, that it is unsafe to transfer it to the hands of popular leaders. There can be no greater misapprehension and the whole history of democratic Governments proves that the preservation of internal order is best done not by autocracies but by those who can speak in the name of, and act on behalf of the people.

Take the Bengal Ordinance relating to the anarchist movements in that unfortunate Presidency, which has received unanimous condemnation at the hands of all sections of the Indian Public. We have found ourselves unable to support the authorities, first because the normal procedure of consulting representative public opinion through the Reformed Councils has been adopted and secondly and even more because the actions of the bureaucracy in the past have not inspired us with that confidence in the necessity and wisdom of their acts which we must have, ere we give our support to such extreme steps. These extraordinary steps, these Draconian powers can be justified not by reason and logic for there are none, not by proof for it is not forthcoming, but by complete faith and trust. And that trust can never be forthcoming unless the administration is in the hands of an elected member of the people. It is indeed a matter of surprise to me why this psychological fact is not appreciated and the simple criticism is so often advanced that law and order are not safe in democratic hands.

#### Foreign Propaganda

We have to go out into the world, we have to preach our religion and our philosophy to other nations, we have to give expression to our political aims and aspirations to other peoples than our own, we have to show especially to the nations of Europe that we are not the half-civilized savages that we are pictured to be. There are people who will readily retort that we should set our own house in order first, before we can do these things but I believe that the solution of domestic problems will be sooner reached by the experience which we shall acquire through such work outside our own country. I have seen how western nations are anxious to get into touch with one another and what pains they take to interpret their country to others and I consider this one of the most important items of our programme.

It is not my purpose to-day to go into the question of how the splendid Indian Marine which existed for centuries and carried on not merely coastal trade, but trade on the broad seas and brought the Indian rarities to the markets of the Levantine border, to the sandy coasts of Arabia, the fertile valleys of Persia and even the Egyptian territories,

how such a Marine has disappeared altogether. Nor do I wish to show to you the terrible handicaps which are in the way of the healthy development of such a Marine, the system of deferred rebates, the unfair cuts that are effected by powerful combines. There has arisen one circumstance since the report (Mercantile Marine Committee) was published which I think deserves careful consideration. The Lee Commission has suggested and the suggestion has been accepted by the Government that the members of the All-India services should be entitled to a certain number of free passages in and from England for themselves and their families. Here is a case where help could be given to an Indian venture without any very great sacrifice. The Government may guarantee that its servants would be asked to travel by a particular line of steamers if within a definite period of say three years, an Indian Company is formed which would undertake the weekly service of passenger traffic between Bombay and London. We shall wait and see if the suggestion is acted upon.

#### A Word to the Britisher.

And here let me speak quite frankly to the Britisher what we Indians feel about our own condition, the future of our country, and the attitude of the ordinary Englishman to the aspirations of the country. I would ask the Britisher, who speaks as though the Indian is incapable of understanding the implications of his wishes or unable to realise the true interests of his country or his countrymen, to imagine for a moment what his feelings would be if he were by some supernatural power placed in the position that Indians occupy to-day. Fancy a Frenchman, or Italian ruling Great Britain and asking the Englishman to accept what is offered and to be grateful for favours already received, because forsooth, he knows what is best for them and they are incapable of realising their own true interests. Fancy a foreigner coming and preaching a sermon to you about your working classes, the scandalous manner in which they have been treated in the past, the iniquities heaped on the submerged tenth, the crying evils of unemployment and the humiliations of the poor and the helpless in your country! Fancy a stranger giving you perfect laws, judicious powers, unflinching justice and irreproachable administrators and yet the people of your country are kept at arm's length, treated with scant courtesy if not with open hostility in other realms, at every step made painfully conscious of the fact that they are a subject race, humiliated in the eyes of the other great nations, incapable of protecting themselves against foreign invasions and hopelessly indebted to other nations for every single industry of any importance to a civilised nation? Would the Englishman accept such a position with resignation, would he settle down with a sense of satisfied security, would you who sing with just pride your national anthems and your Rule Britannias, I ask would you then follow the advice which is so constantly given to us Indians and would you rest content when others chide you for lack of gratitude? Just picture to yourself, men of a proud past who have sacrificed so much of the costlies of your race for drinking deep from the pure fountain of liberty and equality, what your response would be for those who exhort you to leave well alone because you enjoy the blessings of a just rule which has brought you a measure of peace.



and security! And why then do you feel that we Indians are animated with different feelings, why then do you condemn us of rank ingratitude, why then do you upbraid us as political agitators incapable of appreciating what is good for our country, when we know perfect well what your own attitude would have been were you ever in our position!

The non-Brahmin movement stands not for fear but faith, not for terrorism but trust, not for a class but for the entire community. Its appeal is to the conscience as well as to reason. Believing in "the infinite value of every human soul" it seeks to liberate the spirit of man from every needless fetter, and regarding him as a moral being it endeavours to secure him in the privilege of free choice. It brings into relief the diverse aspects of a nation's life and emphasises the fact that any lopsided development or attention to only one phase of reform is fatal to real political advance. The principle of departmentalism, fatal enough in the realm of administration, is still more fatal in the realm of thought. The various problems with which a citizen has to deal are not isolated, but vitally and essentially inter-related and it is hopeless to attempt to tackle any one of them as though it existed in a water-tight compartment.

### RESOLUTIONS PASSED.

The following resolutions were passed by the Conference —

1 (A) The *OBJECT* of the All India Non Brahmin Congress shall be the attainment of Swaraj or Home Rule for India as a component part of the British Empire at as early a date as possible by all peaceful legitimate and constitutional means, by promoting goodwill and amity among the different communities of India, through safeguarding their interests by means of communal representation, and by social amelioration, and reorganisation

(B) Every person who is not a Brahmin and who is over 21 years of age shall be eligible to become a member of the Non-Brahmin Congress

(C) Every Delegate to the Congress shall express in writing his acceptance of the above object of the Congress and his willingness to abide by this constitution and by the rules framed thereunder

(D) The All India Non-Brahmin Congress organisation will consist of

(1) The All-India Non Brahmin Congress

(2) The Provincial Non Brahmin Congress Committees

(3) The District Non-Brahmin Congress Committees

(4) The Subdivisional or Taluka Non Brahmin Congress Committees affiliated to the District Non Brahmin Congress Committees

(5) Political Associations or public bodies recognised by the Provincial Non-Brahmin Congress Committee

(6) The All-India Non-Brahmin Congress Committee.

#### All-India Committee

(E) The All-India Non-Brahmin Congress Committee shall at present be constituted as follows :—

(1) Twenty-four representatives, one representing each District of the Madras Presidency

(2) Two members representing the city of Madras

(3) Fifteen members representing the Bombay Presidency excluding Bombay City

(4) Two representatives for the City of Bombay

(5) Eight representatives representing Central Provinces and Berar

(6) One representative for the City of Nagpur

(F) The President of the All-India Non-Brahmin Congress for the year shall be an ex-officio member of the Committee and its President for the year and all ex-Presidents of the Non-Brahmin Congress and the General Secretary and all Provincial Secretaries shall be ex-officio members of the Committee

(G) There shall be one General Secretary for the All India Non-Brahmin Congress who shall for the present be a resident of Madras

(H) There shall be two Provincial Secretaries for Madras, two for Bombay, and one for Central Provinces and Berar.

(I) The headquarters of the All India Non-Brahmin Congress shall be the City of Madras

(J) Fifteen members shall form the quorum for a meeting of the Committee

This Congress requests Sir P Theagaraya Chetty, the leader of the Non-Brahmins, to be a life member of the All-India Non Brahmin Congress Committee

II This Congress, while anxious to bring about a real and lasting unity among the different political parties in the country, is emphatically of opinion that the Non-Brahmin political party can co-operate only with those political bodies or Associations which have for their goal Swaraj or Home Rule within the British Empire, whose methods of political agitation are of a strictly constitutional character, and not calculated to bring the Government to a stand-still, by direct action or other similar methods and which recognise the principle of communal representation in the services of the country, whether honorary or paid, for the Non-Brahmin, Hindu, Christian, Muhammadan, or other communities of India

#### Reforms Question.

III Having loyally accepted the scheme of reforms promulgated by the Government of India Act, 1919, and having co-operated with the authorities in working through the representations of the people the system of Dyarchy for the last four years, this Congress of Non-Brahmins is of opinion that the time has come for the smooth working of the administration, and that for satisfying the political needs of the hour the present constitution should be revised and a further step should be taken to liberalise the institutions towards greater self-government

In particular this Conference is of opinion (a) that full provincial autonomy with full responsible government should immediately be given to the Provinces, (b) that a measure of responsible government should be introduced in the Central Government, (c) that the period of existence of future Legislative Councils should be extended to five years, (d) that the franchise may be extended, but in any event the size of the electorates should be reduced and the number of members increased

#### Communal Representation

IV (a) This Congress is emphatically of opinion that the Non-Brahmin communities should have proper and adequate representation both in the Legislative Councils, Legislative Assembly, and the Council of State and other honorary posts, and also in the Government services of the country in proportion to their numerical strength and while noting with regret that the Government have not adequately appreciated the gravity of the problem and in particular the need for increasing the strength of the Non Brahmin element in the services, strongly urges on the authorities to give immediate effect to the principle mentioned above and thus promote the welfare of the masses and satisfy the legitimate aspirations of the Non-Brahmin public

(b) This Congress notes with regret the present position of the Non-Brahmin Officials and exhorts Non-Brahmin Officers and Officials to organise and form themselves into Non Brahmin Official Associations to safeguard their interests

V. In view of the paramount importance of educating the masses and the experience of other countries which shows that the diffusion of elementary education is essential to the general progress, this Non Brahmin Congress urges upon the Governments of the different provinces, and the Local Bodies, philanthropic Associations and individuals, the necessity of taking early steps to make elementary education free and compulsory

This Congress further emphatically urges on all Non-Brahmins the necessity of encouraging education among Non Brahmin girls and earnestly requests Non-Brahmin parents not to place any impediments in the way of the education of their girls.

VI. This Congress of All India Non-Brahmins places on record its deep gratitude for the efforts of Sir P Theagaraya Chetty in promoting the condition of the Non-Brahmins and its entire confidence in his leadership.

## Elevation of the Depressed Classes.

VII This Congress is firmly of opinion that the progress of the country in all directions is greatly hampered by the present condition of the depressed classes, and while appreciating the efforts made by the Madras and Bombay Legislatures towards their amelioration, exhorts them and the public generally to work vigorously for the early removal of untouchability which is a stigma on the nation.

VIII This Congress expresses its strong indignation against and records its most emphatic condemnation of the high-handed and provoking insult offered by the Badver of Phandarpur to the sacred memory of St. Namdev by breaking the Paliki and assaulting the members forming the procession, and also by obstructing the worship at the spot named Namdev Payari.

## Indians Overseas

IX. This Conference views with indignation the treatment given to Indians in some of the colonies and in particular the treatment accorded to Indian Settlers in Kenya and South Africa and urges on the authorities the imperative necessity of the adoption of a policy of strict reciprocity of treatment and retaliation and the stoppage of all emigration to any of the colonies till the disabilities of the Indian Settlers abroad are entirely removed

X. This Congress is emphatically of opinion that the political progress of the country is hampered by the social system prevailing at present among the Hindus and strongly exhorts the leaders of the Hindu community to remove the disabilities of the caste system and in particular urges the representatives in the Legislative Councils to support legislative measures for social amelioration.

XI (a) This Congress is emphatically of opinion that State aid and State subventions should be freely given for the proper encouragement and development of nascent indigenous industries and that a strong and effective protective tariff should be built up to safeguard such industries, especially in their early stage of development against unfair foreign competition

(b) This Congress exhorts all Non-Brahmins to support and encourage indigenous industries by giving preference even at some sacrifice to Indian products over imported commodities

## Reorganisation of Provinces.

XII. This Congress is of opinion that the question of the division and reorganization of provinces on linguistic basis should be taken up and settled at as early a date as possible

XIII This Congress strongly exhorts the Non-Brahmin communities and associations to organise themselves and capture the elective seats in all local Self-government Institutions

XIV This Congress is of opinion that the conditions of the labourers should be improved in the country and supports the general principles of the legislation contemplated regarding Trade Unions

XV. (a) This Conference views with regret the disproportionate expenditure which the Government incurs on the Military Services of the country and is of opinion that it should be considerably decreased so as to release the revenues now absorbed in such expenditure for more utilitarian purposes

(b) This Conference is further of opinion that greater facilities should be afforded for the military training of Indians especially to the commissioned ranks

## Village Propaganda

XVI (a) This Congress exhorts all Non-Brahmins to carry on a vigorous and intensive propaganda especially in the villages of the different provinces and form as many Taluk and District Non-Brahmin Congress Committees as possible during the coming year

(b) In view of the fact that without adequate funds it is impossible to effectively carry on political activities, this Congress authorises the All-India Non-Brahmin Congress Committee to collect funds for the purpose.

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# The Jamiat-ul-Ulema.

MORADABAD—11TH JANUARY 1925

The special session of the Jamiat-ul-Ulema of 1924, unlike the previous two years, was held separately from the National Congress at Moradabad in the U. P. on the 11th January 1925

Moulvi ABDUL HAFIZ, Chairman of the Reception Committee, read his welcome address in Urdu. After welcoming the delegates he mourned the death of Hafiz Mahomed Ismail, who had been elected Chairman of the Reception Committee and of Bi-Amman, whose place in the political world could not be filled by any other lady. He emphasised the necessity of maintaining a body of learned men like the Jamiat to cope with the problems mentioned in the presidential address of the late Sheikh-ul-Hind as well as the new ones like Council-entry, Shuddhi, Sangathan and Irtidad. He approved of the scheme of Tanzim and asked the Jamiat to take all Muslim Wakfs under its control and spend the money realised therefrom on religious education and oriental learning for which it must draw up a comprehensive scheme and appoint a Finance Board. He denounced the British policy in Egypt which he characterised as being based on injustice and contrary to British pledges. He deprecated Non-Muslim interference in Muslim religious places, and vehemently opposed Britain's policy in Hedjaz and Iraq. Unless British and other Non-Muslim influences in Hedjaz and Iraq were eradicated, Khilafat question could not be said to have been satisfactorily solved. He expressed satisfaction at the exile of King Hussain and welcomed Ibn Saud's summoning of the World Conference of Muslims.

With regard to the question of Hindu-Muslim Unity, Moulvi Abdul Hafiz said that the success of this Conference depends on its effort to restore Hindu-Muslim relations. Difference in a country inhabited by 30 crores of persons were quite natural, but regarding arson, murder and loot as justifiable on religious grounds, he said, is based on ignorance and could not go under the cloak of religion. Ceremonies of mourning, music before the mosque, and compulsory prevention of cow-slaughter were things mostly based on selfishness. Place-hunting and personal animosities are given a religious colour by certain mean natures which were responsible for Hindu-Muslim dissensions, and for the policy of Government, which found a good opportunity for enhancing duties on salt, the appointment of the Lee Commission, the spurning of resolutions made by the Legislative Assembly and lastly, the passing of the Bengal Ordinance by the Viceroy. In conclusion, he emphasised the necessity for the attainment of Swaraj, which was the very foundation of their national existence. He thought that a national pact such as that prepared by Dr. Ansari and Lala Lajpat Rai, or the one prepared by Mr. C. R. Das, was essential.

[The President, Moulana Abdul Mahasin Mahomed Sajjad read out some part of his address, which, however, was not available to the press.]

## RESOLUTIONS

Next day, Jan 12th, the Jamiat-ul-Ulema discussed resolutions. Maulanas Abdul Kasim of Benares, Nazir Ahmed Khujandi and Mahomed Naim of Ludhiana discoursed on purely religious subjects. The last Maulana also

spoke on resolutions on Egypt. He expressed the sympathy of the Ulemas with Egyptians and condemned the British policy in Egypt which, in his opinion, was based on injustice. He declared that the Government ought to realise that every wrong done to Egypt would be felt by 7½ crores of Indian Muslims, as deeply as if the wrong had been done to them. The present policy would cause an awakening among Egyptians, in the same way as Jallianwala had caused among Indians.

Three resolutions expressing Ulemas' sorrow at the deaths of Saiyed Badruddin, Amir-i-Sheriat of Behar, Haji Mahomed Ismail who had been elected Chairman of the Reception Committee of the present session, and Bi Amman, were announced as having been moved by the President and passed by the Ulemas.

The fourth resolution expressed the Ulemas' sorrow at the death of the son of the Amir of Afghanistan, while the fifth resolution offered congratulations to Maulana Shah Mohiuddin, on his election as Amir-i-Sheriat of Bihar.

#### THE KOHAT RIOTS.

Maulana Daud Ghaznavi spoke on the resolution relating to the Kohat incidents and pointed out that soon after the expression of sorrow by Muslim leaders, on the happenings at Multan, Pandit Madan Mohan Malaviya had started his Sanghatan movement, which, along with the Shuddhi movement, had dealt a blow to the cordial relations between Hindus and Muslims, which prevailed at the time of the speaker's incarceration for two years. He blamed the Government for its gross and culpable negligence and expressed himself against the Hindu move to obtain for frontier Hindus more rights than they were entitled to, because the latter must, on the basis of their numerical strength, have only 15 per cent rights. He traced the genesis of Kohat incidents to Shuddhi and Sangathan, and said that at Kohat the Hindus had turned their homes into fortresses and provided themselves with ammunition and when Muslims were returning from the Deputy Commissioner's house, they were fired on by Hindus. Muslims could not escape except by setting fire to the houses the majority of which belonged to the Hindus and, as Hindus happened to be rich, there was considerable loss of property.

#### GULBARGA RIOTS

Maulana Nazir Ahmed Khojandi spoke on the resolution regarding Gulbarga riots and said that the British Government, which was setting two communities against each other in British India, had cleverly brought about the riots at Gulbarga. There could be no more just ruler than the Nizam, who had appointed Hindus as kanungos and patwaris in the majority of villages.

Maulana Mubarak Hussain spoke on the resolution congratulating Ibn Saud for summoning a World Conference of Muslims, and remarked that even if a dog had torn ex-King Hussain to pieces and thrown his bones outside the Holy Land, he too, would be entitled to the gratitude of Muslims. He accused Hussain of an unholy alliance with non-Muslim powers, which were out to destroy the Muslim religious centre.

#### RENDITION OF BERAR.

Maulana Bashir Ahmed spoke on the resolution favouring rendition of Berar to the Nizam. Hindu-Muslim unity would not be achieved unless the Congress declared itself in favour of the rendition of Berar.

# All-India Christian Conference

*BOMBAY—29th DECEMBER 1924*

The eleventh session of the All-India Christian Conference met on the 29th December at the Y M C A Hall, Lamington Road, Bombay. After the welcome address was over, the Chairman of the Reception Committee proposed Dr Chitamber to the Presidentship, and spoke of the latter's abilities. The motion was seconded and supported by Rai Bahadur Mukherjee, who considered that the fact of the President-Elect not having gone to gaol was the greatest qualification. Dr. Chitamber then took the chair amidst applause, and delivered his inaugural address. Delegates from other parts of India numbered 31, representing the Panjab, Bengal, United Provinces, Behar, Central Provinces and Madras.

Mr T Buell, Principal of the American Mission High School, and Chairman of the Reception Committee of the All-India Christian Conference, in welcoming the delegates, made a short speech dealing with the position of Indian Christians in the public life of India. He agreed with Mr K T Paul, President of the last session of the Conference, that India's tradition of religious tolerance was so strong that they could be safe against persecution, but while other communities were trying not only to safeguard their rights but to establish their denominational rights in Legislatures, local bodies and even in educational institutions, they had to defend themselves against being swamped. Responsibility, said Mr Buell, grew by its exercise, and Christians were in a position to furnish a good example of comradeship and co-operation. He would ask for a Committee whose chief aim would be attained to Christian interests when programmes and Constitutions were framed. Continuing, the Chairman drew attention to the recent All-Party Conference, and said that if things progressed, Indian Christians should so act as to be absolved from the reproach that they never voiced their claims.

## PRESIDENTIAL ADDRESS.

Dr J R Chitamber, Principal, Lucknow Christian College, made a long speech, in the course of which he deplored the recent Hindu-Muslim riots in various parts of India and referred proudly to the help rendered by the Indian Christian community to both Hindus and Mussalmans without taking sides. Referring to the Delhi Unity Conference, the President said that he was not quite sure of its complete success, or that of the All-Parties Conference, which met at Bombay in November last. The Resolutions passed at those Conferences were, no doubt, of far-reaching consequence, but it remained to be seen how far they could practically work them out. So far as the Bombay Conference was concerned, in the President's opinion, it did nothing more than condemn the Bengal Ordinance and ratify the Gandhi—Das Agreement. What he meant to say was that it was not sufficient merely for the leaders to meet, they should be imbued with a real spirit of righteousness and broad-mindedness. Dr. Chitamber, continuing, pleaded for the giving up of intoxicant liquors by the members of the community, for better educational facilities for their boys, and also pleaded against inter-communal marriages.

Speaking of the Indian Christians in relation to Indian political life, the President emphatically declared that they were for Co-Operation, not for Non-Co-Operation. He did not believe in a destructive policy.

Nothing was to be gained by racial hatred. He was willing to encourage the Charka and khadder as typifying Indian art and industry, but opined that Western goods should not altogether be boycotted. Did they not profit by Western innovations and discoveries and did they not owe gratitude to the West? Dr. Chitamber, while admitting the justice and reasonableness of the cry of India for Indians deprecated it if it was synonymous with "down with the West, or down with everything foreign." "We are for evolution and not for revolution," observed the President, and quoted the histories of other countries to show how revolutions really affected National interests. Concluding, Dr. Chitamber ably discussed the question of communal representation, and had no hesitation in throwing in his lot with other communities. What he wanted fellow Christians to be was to show themselves not as Indian Christians, but as Christian Indians.

### RESOLUTIONS.

The All-India Indian Christians Conference re-assembled next day, the 30th December, to discuss resolutions. A motion urging the introduction of religious instruction in educational institutions with a view to building up strong character and discipline among the youth of the country, which were essential for any scheme of Swaraj, was opposed on the ground that it was too late in the day for the Government to take action, and also that the problem was too weighty to be disposed of immediately, and the Conference decided to postpone its consideration 'sine die'. The Conference agreed to the proposal that the All-India Catholic Association should be asked to appoint representatives to meet the members of the Conference at a Round Table Conference to investigate the means of bringing about Catholic participation in the All-India Christian Conference, so as to make it representative of the entire body of Indian Christians. The Conference also appointed a Committee under the Chairmanship of Dr. John Matthai to report on the economic of Indian Christians. The consideration of a letter from the Bengal Indian Christian Conference, desiring disaffiliation from the All-India organisation on the ground that it wished to be a purely religious body, was postponed till the next session.

The Conference next passed a resolution on the Natal Boroughs Ordinance, disapproving and protesting against its enactment, and urging the Indian Government to take immediate steps to secure a reversal of the anti-Indian policy in Natal, and to move the Imperial Government to advise the Crown to disallow the Ordinance under Section 65 of the South Africa Act of 1909. Another resolution welcomed the Unity Conference at Delhi as an expression of the establishment of peace and goodwill, and assured the Conference's support thereto. A temperance resolution, holding up the total prohibition of the sale and manufacture of alcoholic liquors and intoxicating drugs save for scientific and medicinal purposes as the aim of all temperance reformers in this land, was next passed. A suggestion by Mr. Buell stipulating complete abstinence from liquors as a condition of Church membership was thrown out by the whole Conference. Consideration was given to a letter from Pandit Motilal Nehru on the question of the participation of the Conference in the All Parties Conference, in which connection it was resolved that though a communal body, unlike the Congress or the Liberal Federation, the Conference responded to the invitation to take part in all efforts to bring about unity, and in the making of a constructive scheme for Self-Government in India, and appointed deputies to act on its behalf, consistent with its Constitution, in the All Parties or any other similar Conference.

## THE BENGAL ORDINANCE,

The Conference again met on the 31st December to discuss further resolutions, the chief of which related to the position in Bengal and the Bengal Ordinance. This motion condemned the violence, terrorism and assassination of Government officials but disapproved the introduction of the Bengal Criminal Law Amendment Ordinance and application of Regulation III. It expressed the opinion that the methods adopted by the Government were futile and suggested that if evidence was forthcoming of the existence of revolutionary activities the Government should consult a few non-officials and men like High Court Judges and only then introduce on their recommendation a special legislation for a speedy and, if necessary, secret trial of suspects. The resolution also urged the final repeal of Regulation III.

Professor A. T. Roy, who moved the resolution, said that the proper remedy for the revolutionary movement would be to meet the demands of the people. The Bill which was to be introduced in the Bengal Council would perpetuate a state of things without parallel in civilised society.

Rai Bahadur A. C. Mukerjee admitted that anarchy was rampant in Bengal, but said that did not justify the Government's present course. He moved an addendum which was incorporated into the resolution stating that, if in any special circumstances, the Government found it impossible to place any suspect before the court or tribunal for public trial, the entire evidence should be placed before a few judges of High Court and an equal number of select non-officials and that no action should be taken against any suspect until the evidence has been examined and he has been given a chance to meet the charges.

The amendment of Pothan Joseph to endorse the views of the Bengal Indian Christian Association on repression in Bengal, which "inter alia" condemned the terrorism if any but did not agree that a widespread revolutionary conspiracy existed and disapproved the Ordinance and regulation, was defeated by the casting vote of the President.

The original motion was then put to vote and carried with slight modifications which included the deletion of a clause characterising the methods of Government as futile.

The addendum moved by Mr. Sebastian was also carried. It read: "With a view to secure conditions which discourage anarchical violence, the conference urges upon the British Parliament through the Government of India the desirability of immediate advance in self-government of India, and to that end ask for a Round Table Conference on lines supported by representatives of the Indian Christian community."

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# The National Social Conference

LUCKNOW—29th DECEMBER 1924

The 36th session of the National Social Conference was held in Lucknow on Dec 29th under the presidency of Mr G. K. Devadhar, when for the first time an animated discussion was raised on the question of divorce among the Hindus. The Conference lasted for over seven hours and the attendance included not only several of the delegates of the All-India Liberal Federation, but many leaders and gentlemen belonging to orthodox families of the Province. Those present included Sir Tej Bahadur Sapru, the Hon Sir Raja Rampal Singh, Dr Paranjpye and many others.

Pt. GOKARAN NATH MISRA, Chairman of the Reception Committee, made an exceedingly interesting speech in the course of which he related the progress of the social reform movement during the last few years. He made an earnest plea on behalf of widows relating to the question of perpetual widowhood. Dealing with signs of relaxation of caste, the Pandit touched on a personal note when he, an orthodox Brahmin, dined in the company of Europeans and Mahomedans. He exhaustively dealt with the question of untouchability and the question of depressed classes and said that some measure of success had been attained in the province and they need not be despondent in regard to the future.

After dealing with the work of various social service organisations Pandit Gokaran Nath Misra touched on the question of toleration among the various communities in the country. Referring to the oft-recurring Hindu-Moslem riots he said that nothing can produce more poignant sorrow in the heart of a true Indian patriot than such exhibitions of communal strife. Every thinking Indian is convinced of this fundamental truth in our struggle for freedom, that India can never become free unless unity of heart has been accomplished among the various communities of India, particularly the Hindu and the Moslem, and the kind of aggression on either side should be ruthlessly condemned and care should be taken that nothing is done on either side which would offend the susceptibilities of the other community. Hindus and Moslems should regard themselves as Indian first and members of their respective community next. Undoubtedly one cause of recent communal troubles is that during the exciting days of the Non-co-operation movement vast forces were let loose which would not find any proper outlet and have now burst forth in fury in communal violence.

Mr G. K. DEVADHAR, President, in the course of his address reviewed at length the progress of the Indian National Social Reform movement and touched upon the question of Social Reform and Social Service and said, with reference to the depressed classes, that the movement at Vykom which was started to improve their condition and help them to assert their rights was one which deserved their sympathy, provided it was carried on simply for the removal of social injustice with the help of the people of the province and after securing their general sympathy and support which, it must be recognised, would be very slow to come. Care must be taken that these persons must not be used for any political game. He made a strong plea on behalf of reformation and elevation of the aborigines and labouring classes and concluded with a strong appeal for communal tolerance.

## RESOLUTIONS.

Resolutions were then passed. The Social Conference recorded the sense of loss sustained by the death of Mrs Ramabhai Ranade, H H the Maharajah of Travancore and several other distinguished Indians connected with Social Reform movement.

On the motion of Mr C Y Chintamani, who made a very appealing speech, seconded by Mr V. N Tewari of the Servants of India Society, a resolution exhorting the people of India to remove untouchability and give complete equality to the untouchable classes was passed.

Dr. R P Paranjpye moved a resolution urging the abolition of the caste system. A very instructive speech emphasising the importance of women's education was delivered by Mrs Phulawati Shukla, a young lady student, daughter of Pandit Gokarn Nath Misra. The resolution which she supported was moved by Mr N M Joshi, M L A, exhorting people to spread education amongst girls and women and develop home industry and education. An amendment to include the Charka among home industries was significantly negatived.

## Divorce in Hindu Society

The resolution that was discussed at length with considerable warmth and animation ran as follows,—“That this Conference is strongly of opinion that the time has arrived when an earnest endeavour should be made by the social reformers to educate public opinion on the desirability of getting divorce recognised by Hindu society and law”.

Pandit Kishan Prasad Kaul of the Servants of India Society, the mover of the resolution, condemned the present system of Hindu social life in respect of the freedom of women. Pandit Praksharanjan Sapru, in supporting, pleaded for the freedom of women and said a free married life was helpful to the growth of the moral elevation of communities. Mr C S Ranga Iyer, M L A, opposed the resolution pointing out that it affected the fundamentals of the Hindu society.

Dr. Paranjpye said that only a few of the higher castes did not observe the custom of divorce and the idea of divorce was not alien to India. He said they wanted a law both for monogamy and divorce. He maintained that when they claimed political liberty, they must equally claim liberty in social life also.

Pandit Hridayanath Kunzru also supported the resolution.

Pandit Harkaran nath Misra, M L A, Thakur Mashal Singh M L C, and Mr C S Deole put forward vigorous opposition to the resolution which was consequently negatived.

## Other Resolutions

Resolutions advocating removal of purda, urging for legislative measures to enlarge women's property rights, extension of women suffrage, temperance reform, raising the marriagable age for boys and girls, pushing forward the movement for widow marriage, favouring re-admission of Hindu converts to other religions into Hindu society, and appealing for the uplift of the aboriginals were also passed.

A resolution was also passed regarding the constitution of the Social Conference appointing a Standing Committee to consider the question of organising the Conference on a broader basis and authorising that a Standing Committee be appointed by them or similar organisations working for the advancement of Social Reform to take all necessary steps to finally determine the constitution of the Conference.

The Conference terminated after speeches eulogising the work of the present sessions.

# The All-India Social Conference.

*BELGAUM—27th DECEMBER 1924.*

The All-India Social Conference was held at Belgaum on 27th December 1924 under the Presidency of Sir Sankaran Nair. Mr A. B. Latthe, Chairman, Reception Committee, in the course of his Welcome Address said that they were meeting in a very favourable atmosphere, and the old attitude of contempt for social reform had disappeared, and thanks to Mr. Gandhi, the people had begun to acknowledge that without social uplift of the backward and depressed, political progress was not possible. Communal representation, he said, had only served to widen the gulf separating the Hindus and Mussalmans, and protection such as was given to Non-Brahmins in Madras might largely avoid these evils. The only way was to cure the body-politic of the disease of caste, and to free social relations from the incubus of Shastric or Quaranic injunctions. Unless they reconstructed social life on a basis of equality, there was no hope of a bright future for the country. The President, Sir Sankaran Nair in the course of his Presidential Address said —

The Great War has effected a revolution. Everywhere, throughout the world, the down-trodden and oppressed are claiming equality with those who were their lords, in spite of the Bible, the Koran and the Sastras. In 1918 women were enfranchised in England. They are now eligible to sit in Parliament, the legal profession has been opened to them, they can sit in the jury box. A woman is a member of the Cabinet. They are Magistrates. The Universities have opened membership and degrees to them. Russia, Germany, Scandinavia, and the whole of Northern America except Qubec have also given the franchise to women. In America the Governor of Wyoming is a married woman. The Governor-elect of Texas is another. If these Governors prove successful, the road to the Presidentship will be smoothed. Many countries have sent women as delegates to the Assembly of the League of Nations. In Egypt the women are more insistent in their demand for Home Rule than men. In Angora the restrictions imposed upon women by their religion have already been got rid of. A woman is a Minister. Allow me to read the following extract from the **INDIAN SOCIAL REFORMER** —

## **ANGORA AND WOMEN.**

“We take the following from the ‘Muslim Herald’ of Madras, dated 12th July. Mustapha Kemal Pasha in a special World-wide News Service De-patch appearing in the ‘New York Herald’ and ‘Tribune’ writes — ‘We found that any introduction of modern ideas did not coincide with the views of the Caliph. With the Caliphate deciding, like a High Court, on the regularities of any constitutional measure, it was impossible to enact a law forbidding polygamy, when the Caliph was polygamous. The religious head has arrogated to himself the authority to decide on such matters. Whenever a law pertaining to national politics or national administration, civil or economical, was attempted, we were invariably faced with an opinion from the Caliph. When we decided that women should not be forced to wear a veil, again we were face to face with a hostile opinion from the Caliph.’

And so long as such an office authorised and invested with a sinister power remained within the borders of our country, any opinion emanating from that office would be an impediment in the way of our progress as a nation. So we decided to dispense with our own religious supreme head while we were dispensing with the Christian religious offices. Every religion or denomination, be it Moslem or Christian, within the domains of our country must recognise the Turkish Constitution as supreme, and if it cannot recognise the basic law of our country they must seek a new clime. We are perfectly agreeable to another Moslem country welcoming the Caliph. In that event, we, as Moslems, will gladly pay our homage to the head of our religion as the head of our religion. We only expelled the Caliph as the politico-religious functionary. My country has had no quarrel with him or the office of the Caliphate as the head of the Moslem faith."

I have read this because it explains the attitude of the modern Reform Party throughout the world towards opposition based on religion. It explains the attitude of the social reform party towards Christian, Mahomedan and Hindu orthodoxy, should they feel it incumbent upon them to stand in our way.

#### THE AWAKENING IN CHINA.

After the Mahomedans, let us go to China. In that country, the demand for reform emanates not only from those who follow the religion of China, but from Christians who are foremost in pressing women's claims. The awakening in China is largely due to America. A memorial recently submitted by the Chinese ladies puts forward the following demands. With the exception of the one relating to foot-binding, we claim them all for the women of India.

"1. The opening up of all educational institutions in the country to women. 2. Adoption of universal suffrage and the granting to women of all constitutional rights and privileges given to men. 3. Revision in accordance with the principle of equality of those provisions in the Chinese Civil Code pertaining to relations between wife and husband, and mother and son, and to property rights, and the right of succession of women. 4. The drafting of regulations giving equal rights to women in matters of marriage. 5. Prohibition of licensed prostitution, girl slavery, and footbinding. 6. Addition of a new provision to the Criminal Code to the effect that any one who keeps a concubine shall be considered guilty of bigamy. 7. Enactment of a law governing the protection of female labour, in accordance with the principle of equal work, equal pay, and demanding full pay during the time that a woman is unable to work owing to child birth."

All this is of course due to the great awakening due to the war.

#### Needs of Indian women.

Are women in India to remain quiet? I shall now briefly refer to the needs of Indian women. First comes their economic condition. In this respect at any rate we can rely upon our sacred law and custom. The King by our sacred law was the protector of women and, work or no work, bound to provide maintenance for them, a recognized obligation which was generally carried out. The women who belonged to the agricultural labourers and artisan classes were entitled to take out of the crops, when harvested, their share which was deemed sufficient for their needs according to usage before the farmer or Government took their share or revenue. Their rights did not depend upon the work done. The husband, the father and various other relatives were bound to maintain the women whether

they had property or not. Even the adulterous wife was entitled to be maintained. The superseded wife was also entitled, if she wished it, to a share according to some authorities. Failing the relatives, the State had to provide for her maintenance and did. In England to encourage thrift and work it was supposed necessary to insist that this obligation should be imposed upon the husband. That woman should be sacrificed for the sake of making man a thrifty and hard-working person is a peculiarly English doctrine and I trust will not be imported into India. The Labour Party considers woman's claims only from the Labour standpoint or in other words, a woman who needs it should be provided with work which she has to perform except when for physical reasons she is unable to do so. This is not the Mahommedan or Hindu view. Early marriage, secluded life during marriage, widowhood consecrated to the husband's salvation, joint family system, the obligation imposed upon distant relatives, all show that we do not want women to live by labour. Physically she is not formed for work, from her birth to her death, her life as mapped out by our sacred laws shows that a woman is not expected to earn her livelihood. Those who undertake the burden of matrimony are carefully shielded by our laws from any worry and anxiety in the interests of their offspring as it is stated expressly that it is only a healthy, happy mother and not one worried, care-worn or hard-worked who can produce good children. We will therefore adhere to our own custom in this respect. Our women must be freed from any anxiety as to their subsistence. The State must give it to her if she claims, recovering it from the male relative, if necessary. She must not, for reasons stronger in India than in England, be forced to go to Courts of law.

Other questions will only be briefly referred to as they have been often discussed. Early marriage, compulsory marriage, compulsory widowhood, and denial of freedom to a grown up woman to choose her husband must all disappear. Age of consent must be raised. Polygamy must be abolished. Right to contract a second marriage can be conceded only if the wife is given the right to claim divorce on the same ground together with a share of the husband's property. Polygamy had been a safeguard to the wife who for reasons of health was unwilling to live as wife. A wife in such circumstances should be protected from her husband. I am not dealing with the Industrial question as it requires a separate address. Now when there are so many things to be done it may be necessary to concentrate our efforts on some questions. We must of course attack all along the line. Some of our members may be inclined to devote themselves to certain particular questions. The one relating to the employment of women coolies by employers of labour alone will require the strenuous efforts of many devoted social reformers. I do not ask them for a moment to abandon their choice. But it appears to me that our supreme effort should be directed to securing women the same rights as men so far as the right to devote in elections of members and the right to be elected as members of Municipalities, Local and District Boards, Provincial Councils and Imperial Legislative Assembly is concerned. The power to vote will secure the return of their supporters. The pressure they will exert as voters on members will secure the necessary reforms. We are fighting for freedom ourselves. But

'If ye do not feel the chain  
'When it works a sister's pain  
'Are ye not base slaves indeed  
'Slaves; unworthy to be freed?'

### The Caste System.

The other great question with which the social reform association deals is the question of caste and the condition of the depressed classes. As in the case of women, the time has passed when the Non-Brahmin caste Hindus and the other casteless Hindus pay any attention to the arguments based on religion. The Non-Brahmin Hindus have determined so far as it lies in their power not to recognise the superiority of the Brahmins, not to co-operate with them in those movements which involved the recognition of those sacred texts which show the Brahmin superiority. The various associations which are springing up all over India for the protection of sectional interests give the answer to those who wished to rely on the caste system. Communal consciousness is fostered, each sect wants to improve its condition at the expense of others. Caste has been responsible for the Hindu downfall in their struggle with their foes. It is responsible for their present degraded condition and it would be responsible for any delay in the further progress in the direction of Home Rule. I am a Non-Brahmin myself and all what I now propose to say is this that we the Non-Brahmins are determined that no disabilities imposed by the caste system shall stand in the way of our social and political progress, and that for this purpose we are determined to see that no further powers are conferred upon those who maintain the validity of the caste system without large powers being conferred upon those who may suffer thereby to counteract this influence. All the observations I have made about the power to vote and election about women apply to these classes. The depressed classes of Hindus must be represented by the elected members in the Councils to protect their interests. They must be able to carry out legislation which might interfere with the vested interests of caste Hindus and of Brahmins in particular but which are called for in the interests of humanity, social progress and civilization. In none of the schemes for Home Rule that have been put forward have I been able to find any trace or any recognition of this fact. On the contrary I have found that the proposals made by responsible leaders are often calculated consciously or otherwise to enhance the power of those who are likely to use them against the interests of the low classes. In India industrial workers including those engaged in agriculture and manufacture belong to the low castes.

And it is not right that those who have abused their powers in the past and whose interests would tempt them to continue in that course, should be invested with further powers without the guarantee that they will not be allowed so to abuse their power again, and without the toiling masses who belong to the lowest castes being entrusted at the same time with such powers as would enable them to improve their own condition. Allow me just to refer to a few facts relating to the conditions of a few of these classes.

The Hillmen in the Madras Presidency (and I am told the case is the same all over India) usually thriftless and addicted to drink soon become practically the slaves of the caste money-lenders who treat them as men not entitled to that sort of treatment which they would have meted out to one of their own or superior caste. The only private efforts made for their uplift have been confined to the European Christian Missionaries, Germans, Americans and English. They number millions. There are castes or classes numbering hundreds of thousands if not millions who are called criminal tribes. They are treated as criminals by the caste Hindus. The private efforts that have been made for their uplift are mainly by the 'Salvation Army and to a lesser extent by the American Missionary.

As to the untouchables, they number in the Madras Presidency alone over six millions out of a population of about forty millions. They are not only untouchables but some have to observe distance pollution, that is, cannot come within a certain distance of the higher castes without polluting them. The public water supply is absolutely forbidden in nearly every village to them. The public streets in villages occupied by caste Hindus are also generally forbidden. On a respectable gentleman belonging to this class being appointed to a seat on a Municipal Council, five of the members including a Mahomedan immediately sent in their resignations and were with great difficulty induced to withdraw them. Schools though theoretically open are not practically open to these classes. These are absolutely under the control of the caste Hindus. With reference to these classes, unlike the Hill tribes and the criminal tribes above referred to, public conscience is being awakened. The work of the various Missionaries in the Madras Presidency is beyond all praise. The Theosophical Society, the Depressed Classes Mission, the Brahma Samaj and other societies also are doing good work and it is to be hoped that these classes will soon be able to avail themselves of the public schools.

These facts are enough to show that in the case of these low castes as in the case of women the main efforts of the social reform association should in my opinion be directed to giving them the power to vote and the right to be elected as members to all the Local Councils in particular and also to the superior councils.

It is practically certain that to carry out reforms required in the interests of women and of these classes they will have to rely upon themselves. Others will scarcely be able even with good will to carry them out. Vested interests of any kind can scarcely be trusted to assist the classes whose salvation lies in the elimination of such interests. Any nomination by Government of members to protect them will not be satisfactory. Both in the case of women and of estate and in particular of the lowest classes the following lines are peculiarly appropriate.

"Over their face a web of lies is woven

"Laws that are falsehoods pin them to the ground"

To me the appropriate methods of bringing about harmony between the classes is to fight for their representation in the Councils and to support the measures necessary for their advancement and not to sneer at them as unfortunately is done in many quarters. We at least who belong to this association will fight till their and our cause is won.

"Till all are free beneath the sun

"Or breath be spent and life be done"



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